



2019 Session in Review

Measures passed during the First Session of the 57th Oklahoma Legislature
Charles McCall, Speaker | Oklahoma House of Representatives



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On the cover Scaffolding was erected in the Capitol rotundas to facilitate plaster repair and painting in these monumental spaces.



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Agriculture, Environment & Wildlife

Agriculture

The Legislature refined policies related to animal disease testing, tagging and response, as well as meat labeling.

Less than a year after the Legislature created the industrial hemp pilot program, the U.S. Farm Bill of 2018 legalized the production of hemp as an agricultural commodity by removing hemp from the list of controlled substances and did away with the requirement that it be grown as part of a pilot program managed by an institute of higher education. As a result, Oklahoma legislators responded with two bills.

SB 868 modifies the Oklahoma Industrial Hemp Program to be compliant with the new federal law, eliminates references to the pilot program, directs the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) to promulgate rules regarding transport and disposal and directs the State Board of Agriculture to consult with the Governor and Attorney General to submit necessary paperwork to the USDA to be approved for a state regulated industrial hemp program. The measure also repeals two sections of law that required the ODAFF to establish a certified hemp seed program and study the feasibility of attracting federal and private funding to implement the pilot program established in 2018.

HB 2628 clarifies that under state law licensees can grow industrial

hemp for research and under federal law for industry. In addition, the measure removes language related to testing and disposal.

SB 392 addresses the growth of cultured meat replacement products in the marketplace by defining *meat* and meat-related terminology. The measure standardizes meat labeling and advertising practices to ensure accurate representation and disclosure, and requires the labels on plant-based meat replacement products to state that the product is derived from plant-based sources.

HB 2301 modifies the authority of the State Veterinarian to include issuing stop-movement orders for all livestock in the state so that the precise location of a foreign animal disease can be determined. The measure also requires any person providing training for emergency management of livestock or other animals to obtain curriculum approval from the State Veterinarian.

HB 2155 prohibits garbage-feeding in commercial swine operations and repeals the section of law that allows the State Veterinarian to issue a garbage-feeding permit.

HB 2178 and **SB 546** modify burial requirements for domestic animals that die of an infectious or contagious disease. Owners are required to dispose of a carcass within 24 hours of receiving the death notice. Additionally, the measure prohibits burying diseased animal carcasses

along a stream or ravine; violators are guilty of a misdemeanor.

SB 545 declares Oklahoma as free of brucellosis and suspends the state Board of Agriculture's brucellosis eradication program.

Oklahoma has been declared "free" of both bovine brucellosis and swine brucellosis by the USDA since at least 2001. These diseases were both a public health concern as well as an economic hardship on the livestock industries affected. However, the "free" status of Oklahoma for swine brucellosis technically only applies to the commercial sector of the swine industry. That is swine that are intensively managed and strictly indoors. Feral swine populations continue to serve as a reservoir for this disease and occasionally expose outdoor/transitional/exhibition swine to the disease. Because of this continued threat posed to the swine industry by feral swine, the State Veterinarian and the Board of Agriculture have the authority to reinstitute brucellosis eradication efforts if needed.

Source: ODAFF Animal Industry Division

SB 547 modifies the Equine Infection Anemia Eradication Act to broaden the types of tests allowed to detect the disease.

Three bills address identification requirements, usually tagging or

branding, of animals to signal they have been tested for disease or have been exposed to a disease.

SB 556 modifies official identification requirements to allow for a variety of ways of identifying animals that have been tested for brucellosis. **SB 558** prohibits the removal of the ID.

SB 559 defines *official identification* as a method of identifying an individual animal in a way that is approved by the USDA in the Code of Federal Regulations or by the State Veterinarian.

HB 1150 allows the Oklahoma Conservation Commission to share costs with conservation districts that opt to purchase feral hog traps.

HB 1218 modifies the conditions that constitute extreme fire danger for the purposes of burn bans to include when temperatures are forecasted over 100 degrees for any of the next three days.

SB 870 limits liability for landowners, county officers and employees using customary approaches to fight or prevent wildfires on private land, such as setting backfires and digging trenches.

SB 543 modifies the definition of *feral swine* to mean any animal of the species *Sus scrofa*, free roaming or captive.

SB 544 directs the Board of Agriculture to create a three-day license costing less than \$50 for vendors who sell only at farmers' markets or county fairs, but provides exceptions for vendors who do not sell food or who already have a food establishment license.

SB 552 removes the current exemption regarding milk facility waste disposal in Board of Agriculture administrative rules and makes it unlawful to willfully or recklessly disregard prohibitions stated in the Milk and Milk Products Act.

SB 1065 directs ODAFF to send \$500,000 to the Healthy Food Financing Revolving Fund, which

is the first-ever appropriation to the fund since its creation in 2017. The measure also directs ODAFF to spend from appropriated and supplemental funds as follows:

- Wildfire Suppression Activities: not less than \$200,000;
- Feral Swine Control: not less than \$500,000;
- Veterinarian Staff Position: not less than \$90,000;
- Laboratory Equipment: not less than \$500,000; and
- Rural Fire Operational Assistance: not less than \$600,000.

SB 21 designates the ribeye steak as the state steak.

Environment

With **SB 1001**, Oklahoma joins 12 other states that have preempted local governments' authority to enact ordinances to curb plastic bag use and pollution through bans or fees. The map on the following page shows the states with preemption and states that ban single-use plastic bags.

SB 1003 creates the Oklahoma Environmental, Health and Safety Audit Privilege Act to encourage voluntary compliance with environmental and occupational health and safety laws. The measure defines *audit* as a systematic voluntary evaluation of compliance with environmental or health and safety laws by anyone that is considering the acquisition of a regulated facility or operation. Audits are due to the governmental entity with jurisdiction over the facility within six months of the date the audit is initiated or the closing date. With some exceptions, the audit report is confidential, not admissible as evidence, and not subject to the Open Records Act. With some exceptions, violations disclosed in the confidential audit are immune from penalties. According to the U.S. Environmental Protection Agency

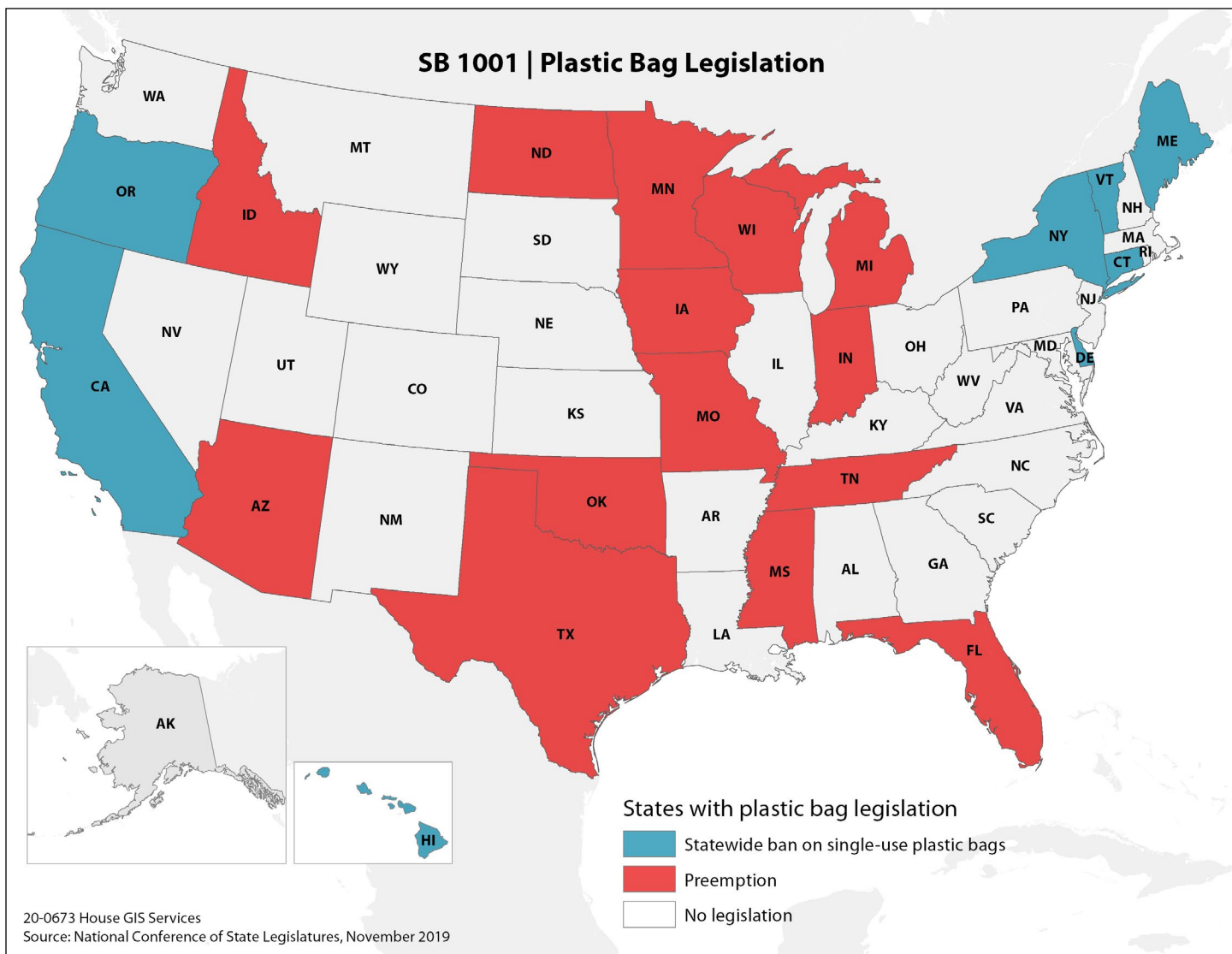
(EPA), 30 other states have some form audit privilege and immunity laws.

Two bills aim to protect a key water source, the Arbuckle-Simpson Aquifer in south-central Oklahoma. **HB 2471** establishes a temporary moratorium on new permits for mines that overlie sensitive sole-source groundwater basins, a designation by the EPA because the groundwater basin, or aquifer, supplies at least 50 percent of the drinking water for its service area and there are no alternative sources of drinking water. The Arbuckle-Simpson is the state's only sole-source aquifer. The measure provides conditions for the termination of the moratorium, including a coordinated effort between the Oklahoma Water Resources Board, the Oklahoma Department of Environmental Quality, the Department of Mines, East Central University, and federal and tribal governmental agencies to continue to study the Arbuckle-Simpson and develop administrative rules that implement study findings and facilitate interagency coordination. **SB 1080** corrects a scrivener's error in HB 2471.

SB 568 creates a revolving fund to pay for the next phase of the Arbuckle-Simpson Hydrology Study, which began in 2003 and is necessary to explore the relationship between the groundwater and surface water.

SB 705 modifies the legislative intent of the Oklahoma Water Supply Systems Act to declare that funding is essential to the economic prosperity and future well-being of the state.

HB 2474 requires the Oklahoma Water Resources Board to provide a 30-day protest period for limited quantity stream water permits and limited quantity groundwater permits and requires that those permit applications are posted online. These are permits issued for one-time projects to use 15 acre-feet or less of stream water or groundwater in a calendar year or during its term if the term is less than one year.



HB 2142 creates the Tri-State Commission on the McClellan-Kerr Arkansas River Navigation System (MKARNS), in anticipation of Arkansas and Kansas legislating their inclusion. The MKARNS is a 445-river mile-long waterway that benefits water supply, navigation, fish and wildlife, recreation, hydropower generation, and flood control. The commission will identify funding sources and methods for the repair and maintenance of the system and facilitate the promotion of its role in states' economies and flood mitigation. Oklahoma's commission members will consist of legislators and tribal members in the MKARNS territory, business and agricultural leaders, as well as a public port representative and one member of the Water Advisory

The McClellan-Kerr Arkansas River Navigation System is a marine highway corridor that begins at the Port of Catoosa in Tulsa, runs through Arkansas, and ends at the Mississippi River. To allow for navigation, river engineering began in 1963; the first barge arrived at the Port of Catoosa in early 1971. Oklahoma Senator Robert S. Kerr and Arkansas Senator John L. McClellan shepherded the project through years of development, compelling Congress to name the system after them. The system officially opened June 5, 1971, at a dedication led by President Nixon. In 2017 the 18 locks and dams — 13 in Arkansas and 5 in Oklahoma — facilitated the transport of 11.9 million tons of cargo valued at \$3.5 billion.

Source: Oklahoma Department of Transportation, Oklahoma Historical Society

Board of the Oklahoma Department of Transportation, both to be selected by the Governor.

HB 2143 creates a revolving fund for the purpose of repairing or constructing MKARNS' essential

assets. The measure requires that the money may be expended only after consultation with all Native American tribes with an ownership interest in the riverbed.

SB 985 addresses several aspects of the Grand River Dam Authority's (GRDA) operations, including:

- Directing the GRDA to set fees for services to recover costs, such as for special events;
- Directing the GRDA to develop policies for the bidding and purchasing process of real property and fleet management;
- Directing the GRDA to develop written hiring and compensation policies;
- Exempting GRDA from the state IT Consolidation and Coordination Act, the State Travel Reimbursement Act and Surplus Property Act;
- Changing the agency head title to *chief executive officer* throughout;
- Changing the office terms of GRDA Board of Directors and allowing removal by the appointing authority, rather than the Governor;
- Removing provisions requiring the Office of Management and Enterprise Services to conduct a biannual salary study;
- Increasing the cap on bonds for funding projects; and
- Repealing language that declares certain GRDA contracts as private contracts.

SB 998 amends Oklahoma Groundwater Law to make the use of marginal water subject to waste and well-water provisions, which protect less marginal zones and fresh drinking water zones. Using marginal water for industrial purposes is an option to augment water supply and further the Water for 2060 Act goals.

HB 2263 creates a framework for forming groundwater irrigation districts, which are not political subdivisions of the state, in that they don't have constitutional debt limits and do not have the authority to levy taxes. To initiate the district, at least 10 groundwater permit holders

must submit a petition to the board of county commissioners. Once the commissioners verify the petition, they select initial board members and a meeting place for the groundwater irrigation district to adopt bylaws. The measure authorizes the Oklahoma Water Resources Board to promulgate rules for the Groundwater Irrigation District Act.

HB 2476 exempts funeral, cremation and embalming establishments from the Department of Environmental Quality's (DEQ) agency rules regarding industrial wastewater systems. In the case of a spill, leak or release of industrial wastewater, the measure requires these establishments, which are governed by the Oklahoma Funeral Board, to take immediate action to contain and remediate the spill, notify adjacent landowners as soon as possible, and report it by phone to the DEQ within 24 hours and in writing within seven days.

SB 1005 prohibits the DEQ from requiring air curtain incinerators for land clearing or brush piles, except in present or past nonattainment areas for National Ambient Air Quality Standards or metropolitan statistical areas (MSA) with more than 900,000 people, according to the 2010 Census. As such, only the Oklahoma City and Tulsa MSAs meet the population qualifier. Finally, the measure declares that burning brush piles is not a public nuisance.

SB 536 creates a petty cash fund not to exceed \$200 in order for the DEQ to make change for business transactions.

SB 878 updates definitions in the Oklahoma Used Tire and Recycling Act and requires used tire storage facilities to comply with Oklahoma Tax Commission fees and reporting requirements and that haulers transport tires according to rules promulgated by the DEQ. The measure also increases tire recycling fees, reduces the allocation to the Used Tire Recycling Indemnity Fund from 28 percent of the assessed fees

to 24.1 percent, and caps allocations to the Tax Commission at \$20,000 per month and DEQ at \$50,000 per month.

Tire Size	Existing Fee	New Fee
≤19.5"	\$2.50	\$2.90
≥19.5" and tread width ≤12"	\$3.50	\$5.50
≥19.5" and tread width ≥12"	\$7	\$10

SB 1027 establishes a sunset date of July 1, 2022, for the DEQ advisory councils:

- Water Quality Management Advisory Council;
- Hazardous Waste Management Advisory Council;
- Solid Waste Management Advisory Council; and
- Radiation Management Advisory Council.

Wildlife

In 2018 the Legislature lifted the ban on import of cervidae from any Canadian province or county where chronic wasting disease exists in free-ranging native herds, so long as the import was approved by the State Veterinarian and the Oklahoma Department of Wildlife Conservation. **SB 551** excludes the Wildlife Department from having approval authority over those cervidae imports.

SB 923 creates a three-day special use permit for no more than \$500 for landowners with 200 acres or more to host events for veterans or nonprofits where guests are able to hunt and fish without a license. ■



Criminal Justice

The Legislature continued its efforts to provide meaningful criminal justice reform by making the provisions of State Question 780 apply retroactively. Legislation also focused on improving the rights of crime victims and services available to sexual assault victims.

After the passage of SQ 780 in 2016, numerous nonviolent felony offenses were reduced to misdemeanors. However, there were a significant number of offenders convicted of these crimes who would not have a felony conviction on their record had the provisions of SQ 780 been in effect at the time of their offense. **HB 1269** allows a person to seek an expungement if:

- The person was convicted of a nonviolent felony that was subsequently reclassified as a misdemeanor under Oklahoma law;
- The person is not currently serving a sentence for a crime in this state or another state;
- At least 30 days have passed since the completion or commutation of the sentence for the crime that was reclassified;
- Any restitution ordered by the court has been satisfied in full; and
- Any treatment program ordered by the court has been successfully completed.

When a suspended or deferred sentence of a person is being

considered for revocation or acceleration for an offense where the penalty has subsequently been lowered to a misdemeanor, the sentence is to be modified to a term that would have been applicable had he or she committed the offense after July 1, 2017.

Additionally, the Pardon and Parole Board (PPB) is directed to establish an accelerated, single-stage commutation docket for any applicant who has been convicted of a crime that has been reclassified from a felony to a misdemeanor under Oklahoma law. The board is empowered to recommend to the Governor for commutation, by majority vote, any application placed on the commutation docket that meets the eligibility criteria. The Department of Corrections is to provide a certified list of potentially eligible inmates to the PPB within 30 days of the effective date of the act.

SB 86 directs the Department of Mental Health and Substance Abuse Services to use \$10 million of the funds appropriated to the department for the Smart on Crime initiative; and \$500,000 to establish a pilot program to provide offenders incarcerated in county jails access to Federal Drug Administration-approved, evidence-based medication-assisted treatment for opioid and alcohol dependence.

SB 1068 directs that any fees collected by the district attorney for supervision of offenders are to be deposited in the General Revenue Fund of the State Treasury.

HB 1102 modifies the definition of *crime victim* in the Oklahoma Victim's Rights Act to include a person directly and proximately harmed by the commission of a crime or delinquent act. The measure allows the victim to be:

- Notified and present at all proceedings involving the criminal or delinquent conduct;
- Heard in any proceeding involving release, plea, sentencing, disposition, parole and any proceeding during which a right of the victim is implicated; and
- Notified of any release or escape of an accused.

Upon initial contact with a victim, a municipal, county or state law enforcement officer is to provide the victim or next of kin with a written copy of the constitutional and statutory rights of the victim. A victim may refuse interview requests or other requests made by the accused. The rights afforded victims under the Oklahoma Victim's Rights Act are to be protected in a manner no less vigorous than the rights afforded the accused.

SB 184 clarifies that DNA collections must be performed by trained medical personnel, law enforcement, tribal law enforcement, judicial personnel and employees or contractors of these organizations. Individuals with DNA already on file are, under this measure, no longer exempt from additional testing. The measure

also authorizes detention facilities to collect DNA if they possess Rapid DNA technology and if the sample is used for DNA matching or identification. Samples collected in a detention facility must be discarded after the test is concluded.

SB 967 directs the Criminalistics Services Division of the Oklahoma State Bureau of Investigation (OSBI) to develop and implement a statewide electronic tracking system for evidence collection kits used to collect and preserve evidence of a sexual assault or other sex offense. All sexual assault evidence collection kits, purchased and/or distributed to collection sites on or after October 1, 2019, must be trackable and comply with the requirements of the electronic tracking system. The division director of the OSBI Crime Laboratory will oversee the system and ensure that untested sexual assault evidence collection kits are trackable and entered into the tracking system.

SB 975 requires all accredited crime laboratories in the State of Oklahoma to supply all law enforcement agencies the same standardized sexual assault evidence kit for the collection of DNA or other evidence as a result of an alleged crime of sexual assault. The measure requires a sexual assault evidence kit, or other DNA evidence if a kit is not collected, to be submitted to the appropriate accredited crime laboratory for forensic testing within 20 days of receipt of evidence by a law enforcement agency or a request to have the evidence tested is made to a medical provider or the law enforcement agency by the victim, victim's parent or victim's personal representative. Tested kits must be kept in an environmentally secure area for at least 50 years.

The OSBI and each accredited crime laboratory is directed to adopt rules and guidelines for the submission of tested kits no later than January 1, 2020. The OSBI is also directed to adopt prioritization guidelines for the testing of untested kits. The guidelines must consider when

the test was taken, the statute of limitations, and whether the alleged perpetrator is a stranger or familiar to the victim.

HB 2260 allows a victim of rape, forcible sodomy, a sex offense, kidnapping, assault and battery with a deadly weapon, or a member of the immediate family of a victim of first-degree murder, to petition for an emergency temporary order or emergency ex parte order, regardless of any relationship or scenario. The measure requires that these orders be heard within 14 days after issuance. The court must provide a list of available court dates for hearings. The measure prohibits the court from considering a "no contact order as condition of bond" as a factor when determining whether the petitioner is eligible for relief.

HB 1881 directs the courts to issue orders of no contact to persons sentenced for certain crimes. The crimes are:

- Child sex abuse;
- Assault with intent to commit a felony;
- Kidnapping if offense involved sexual abuse;
- Human trafficking for commercial sex;
- Sexual abuse by a caretaker;
- Child endangerment if offense involved sex abuse;
- Trafficking in children if offense involved sex abuse;
- Incest;
- Sodomy;
- Forcible sodomy;
- Child taking if offense involved sex abuse;
- Solicitation of minors in obscene material;
- Child pornography;
- Child prostitution;
- Rape;

- Rape by instrumentation; and
- Lewd or indecent proposals to a child.

HB 2640 creates Francine's Law and requires Oklahoma law enforcement agencies to enter information into the National Missing and Unidentified Persons System when a person has been reported missing or when law enforcement has located an unidentified deceased person.

HB 1014 authorizes OSBI to access the Department of Public Safety's computerized fingerprint database for the purpose of identifying a person who is deceased, missing or endangered.

HB 2126 authorizes the OSBI to contract with municipal or county law enforcement agencies to conduct administrative reviews of law enforcement use-of-force investigations. All funds received as a result of the contract will be deposited in the OSBI Revolving Fund. Any review of use-of-force investigation shall be done by a certified peace officer.

HB 1995 clarifies that a county sheriff must keep audio and video recordings from equipment attached to an officer for a minimum of 180 days from the date of incident. Video recordings that depict an officer-involved shooting, use of lethal force, incidents that result in medical treatment, incidents identified in a written application seeking preservation of the recording, and incidents requested for preservation by the district attorney must be maintained for a minimum of one year. Any written reports and records related to the audio or video recordings must be kept for a minimum of seven years.

HB 2364 adds murder in the first and second degree, and first and second degree manslaughter to the list of offenses that do not require proof that the perpetrator had knowledge that the victim was pregnant or intended to cause death or bodily injury to an unborn child.

SB 29 removes the mandated salary and qualifications of the deputy director of the OSBI. Previously the deputy director was required to possess the same qualifications as the director and mandated that they receive 95 percent of the director's salary. The measure also amends the basis of salary levels of OSBI employees. Instead of basing the salaries off of the State of Oklahoma Total Remuneration Study of 2013, the salaries of OSBI employees will be based solely on the recommendations of the Human Capital Management Division of the Office of Management and Enterprise Services.

SB 30 authorizes the director of the OSBI to investigate and detect criminal activity related to files, records, assets, properties, buildings or employees of the OSBI. Nothing in the measure prevents criminal investigations conducted by the sheriff of the county or any law enforcement agency of competent jurisdiction.

SB 62 requires employees of agency contractors with access to federal tax information and data to supply all necessary information required by the OSBI to conduct a criminal history search. Additionally, the measure requires contractors to provide fingerprints to the OSBI so that a national criminal history check may be conducted.

Domestic Violence

SB 715 creates the Protection from Workplace Harassment and Violence Act, allowing an employer to seek an injunction in cases of employees facing workplace harassment. The injunctive relief may restrain individuals from coming near the place of employment or contacting employees during work hours. Employers are immune from civil liability for seeking or failing to seek injunctive relief.

HB 2630 modifies definitions used in the Protections from Domestic Abuse Act and Domestic Abuse Reporting

Act. The definition of *intimate partner* is expanded to include more categories of relationships and *victim support person* is modified to include adult human sex trafficking programs. The measure requires defendants to complete an assessment and follow the recommendations of a batterers' intervention program rather than participate in counseling, and allows a defendant's post-program evaluation to be assessed by a staff member rather than a counselor.

SB 958 clarifies that the testimony of an expert witness related to domestic abuse may include, but not be limited to, the effects of such domestic abuse on the beliefs, behavior and perception of the abused.

Drug Control

SB 166 updates the Schedule I controlled substances list to include any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances: fentanyl, PCP, isopropyl, phenibut, and N-ethyl hexadron. The measure also adds tianeptine to the list of Schedule II substances.

HB 2368 creates the Oklahoma Commission on Opioid Abuse. The 13-member commission chaired by the Attorney General is to study, evaluate and make recommendations for any changes to state policy, rules or statutes to better combat opioid abuse in Oklahoma. The commission is to prepare a report by December 31, 2019, and each year thereafter. The commission is dissolved July 1, 2023.

In response to the ongoing opioid crisis, **SB 848** updates education and reporting procedures for healthcare providers and state agencies tasked with regulating Schedule I and II drugs. The measure modifies continuing education requirements for licensees of the State Board of Medical Examiners with prescribing authority by requiring at least two hours in pain management

or two hours in opioid use and addiction. Dentists are required by the measure to take three hours in pain management or three hours in opioid use and addiction. Physician assistants, optometrists, osteopaths, and veterinarians are required to take one hour on pain management or one hour on opioid use and addiction.

The measure removes language allowing the board to review a physician's prescription practices with regards to prescribing opioids in excess of the maximum dosage and provides that failure of a registrant to access and check the central repository may be grounds for the licensing board of the registrant to take disciplinary action. Any expert testifying against a licensee must be a board-certified physician practicing the specialty of the licensee named in the complaint.

The measure directs pharmacists to fill a prescription for a Schedule II opioid prescription to the specified dose in the prescription order. Unless a prescribed opioid or pain treatment is classified as a Schedule II drug, the measure strikes the requirement for the prescription to be capped at a seven-day supply and does not require a pain management prescription to be written at the lowest effective dose. The measure outlines acceptable circumstances wherein a Schedule II opioid drug may be prescribed for pain.

The measure directs the Insurance Department to study the effects of restricting opioid prescriptions on the claims paid by health insurance carriers and the out-of-pocket costs. The department must complete and submit the report to the standing health committees in the Senate and House no later than January 1, 2021.

The Oklahoma State Bureau of Narcotics and Dangerous Drugs is to report to the relevant standing House and Senate committees regarding the use of the central repository, continuing education requirements, number of patients taking more than 100 morphine milligram equivalents

and data regarding the total quantity of prescribed morphine milligram equivalents.

HB 1155 provides that if a practitioner believes that after one year of continuous treatment the patient is in compliance with their pain-management agreement and it is in the best interests of the patient, the practitioner is authorized to set the review of the treatment plan at four- or six-month intervals and issue prescriptions for the patient as necessary.

Miscellaneous Criminal Justice

HB 1110 provides that it is a crime for a person to deliberately dump or discard waste within 100 yards of an occupied dwelling of another. The measure also prohibits a person from disposing of waste on his or her own property in violation of any county or state zoning or public health regulation. Further, the fine for illegal dumping is increased from \$200 to \$500.

HB 1910 modifies the Oklahoma Crime Victims Compensation Act by adding other service providers as entities that are required to suspend debt collection activities against a person who has filed a claim with the Crime Victims Compensation Board.

HB 2281 adds the crime of eluding a peace officer to the definition of violent crime.

SB 186 establishes the fee for presentence investigations at \$500 for those who have a prior felony on their record; are convicted of another felony; and entered a plea of no contest, guilty or not guilty. Previously the court was required to assess a fee of up to \$500.

SB 291 clarifies statutory reference citations to *child neglect* and *enabling child neglect* as used in the crime of child abuse.

SB 711 modifies the definition of a *criminal street gang* to include a group of people that solicits or

induces a person to commit an act of prostitution, engages in human trafficking, or possesses a firearm after a former conviction of a felony. Additionally, the measure stipulates that persons convicted of engaging in child prostitution or human trafficking for commercial sex must register pursuant to the Sex Offenders Registration Act.

SB 752 makes it a misdemeanor crime to disrupt the carrying on business through the use of force, threat or intimidation. The measure also prohibits the use of text, sound or images posted to a social media or other public media source intended to harass, intimidate, threaten, abuse or annoy a person.

SB 815 removes the requirement for the Governor to provide a written finding of actual innocence when granting an expungement for a person seeking a full pardon. The measure also modifies the requirements to file for expungement relating to a person convicted of a felony, excepting sex offenders, who previously completed his or her prison sentence at least 10 years ago.

SB 858 repeals language authorizing a term of imprisonment of not more than one day for offenses that do not carry a term of imprisonment.

SB 933 authorizes contracted supervision providers to participate in the district attorney supervision program. Compensation for services will be paid directly to the provider by the probationer.

Alcohol

Numerous measures were enacted this session to continue the efforts to modernize Oklahoma's liquor industry. The measures improve and expand licensure options for the industry and its workers.

SB 608 requires manufacturers of the top 25 wine and spirit brands to sell their products to any state-licensed wholesaler at the same price basis and without discrimination or

inducements. In order to allow the Alcoholic Beverage Laws Enforcement (ABLE) Commission to determine the top 25 brands of spirits and of wine, all wholesalers must submit to the ABLE Commission every 60 days a sworn affidavit listing their top 30 brands of spirits and of wine in sales for the previous 60 days, excluding sales to wholesalers.

SB 804 authorizes mixed beverage or beer and wine licensees to permit a patron to exit the licensed premises with an open container of beer or wine if:

- The act occurs between 8 a.m. to midnight on the day of a scheduled home football game of institutions within the Oklahoma State System of Higher Education and the location is within 2,000 feet of the institution; or
- The licensee is participating by invitation in a municipally sanctioned art, music or sporting event within city limits and a list of invited guests must be sent to the ABLE Commission at least five days prior to the event.

SB 819 allows the consumption of samples of beer or cider outside of the serving area of a brewery. *Serving areas* are defined by the measure as the area of the bar where drinks are sold, prepared and served to paying customers. The measure allows a brewer license holder to manufacture and sell cider and allows accompanied visitors under the age of 21 to be on the licensed premises excepting the serving area.

SB 906 authorizes brewers and manufacturers license holders to manufacture cider and provides that all manufacturers' licenses held by all brewers beginning October 1, 2018, will automatically convert to brewer licenses and be deemed effective as of the date of the first issuance of the manufacturer's license. All brewers, importers, brokers and others who sell beer or cider to distributors and wholesalers in Oklahoma must

obtain a license to sell beer or cider within Oklahoma.

Caterer license holders selling beer and wine are required to purchase the beer and wine sold from the distributor or wholesaler within the county in which the licensee will be selling the beer and cider. Licensed wholesalers are prevented from also holding a manufacturer's agent license. The bill also allows brewers with territorial distribution agreements to designate beer distributors. Lastly, the bill authorizes beer distributors to park full trailers and Waymatics in the supplier area of temporary events for the purpose of selling product at a special event.

SB 936 creates a Charitable Collaboration Brewer License. The license authorizes the holder to:

- Sell beer to distributors and qualified persons out of the state;
- Serve limited and free samples of the charitable collaboration beer to consumers on the brewery premises;
- Purchase collaboration beer;
- Utilize private labels or control labels for sale; and
- Be exempt from taxation while the collaboration beer is being developed.

HB 1315 defines *inducement* as it relates to brewers and provides specific exceptions to inducement. The measure also allows for the return of cork-tainted wine if the licensee notified the seller within 90 days after delivery. Every manufacturer, wine and spirits wholesaler, beer distributor, nonresident seller, retailer, mixed beverage, caterer, public event and special event licensee that has been audited by the Tax Commission and found to correctly report and keep sufficient records for audit purposes, will have their next audit limited to records kept for one year prior to the date of such audit.

HB 1341 authorizes the holder of a mixed beverage license to hold other

licenses. The holder is allowed to offer the on-premises sale of wine or beer for off-premises consumption, subject to the limitations of the retail wine or retail beer license.

HB 1343 modifies the definition of the *airline/railroad beverage license* to include commercial passenger vessels, and gives the ABLE Commission discretion to revoke a license when finding that a licensee knowingly sold an alcoholic beverage to a person under the age of 21.

HB 1347 provides that employees of beer distributors and others holding licenses issued by the ABLE Commission are not required to obtain an employee license if the employee only sells alcoholic beverages to establishments holding licenses issued by the ABLE Commission and not to the public.

SB 336 defines the terms *winemaker* and *satellite tasting rooms* within the Oklahoma Alcoholic Beverage Control Act. The rooms must provide wine produced by the holder of a winemaker or small farm winery license. The measure authorizes winemakers to obtain a \$100 satellite tasting license to establish up to two separate locations for the express purpose of allowing customers to sample products. The measure also provides for a small farm winery licensee to possess the same authority as a winemaker licensee.

SB 728 authorizes any establishment holding a mixed beverage license that is also a restaurant or an on-premises beer and wine licensee to directly purchase wine and beer from a winemaker and a small brewer. Additionally, such licensees may sell liquor for off-premises consumption if the holder is classified as a golf club, marina or country club.

SB 813 creates a \$75 complimentary beverage license that authorizes retailers and service providers to offer certain amounts of alcohol free of charge to customers for consumption on premises. Employees serving the drink must be 21 years of age or older.

SB 814 authorizes licensees licensed by the ABLE Commission to serve tasting flights to customers and exempts them from the general prohibition on serving a single customer more than one drink at a time. The serving size for each drink is limited to a certain amount based on whether the beverage served is beer, wine or spirits.

Tasting flights:

Beer limited to 4 beers of not more than 5 ounces each;

Wine limited to 4 wines of not more than 1 ½ ounces each;

Spirits limited to 4 spirits of not more than ½ ounce each.

Source: SB 814

Miscellaneous Alcohol

HB 1024 allows certified peace officers to work as off-duty security at establishments engaged in the alcoholic beverage business.

HB 1030 provides that a prior felony conviction does not disqualify an individual from obtaining an employee license from the ABLE Commission if the conviction was not for a violent offense.

HB 1640 allows a church to waive the 300-foot restriction for an establishment licensed by the ABLE Commission if the church gives written consent to the commission.

HB 2325 allows a person under the age of 21 to enter a licensed retail spirits location when accompanied by their parent or legal guardian.

SB 113 allows a retail wine license, a retail beer license, or a mixed beverage license holder to sell beer or wine on credit when the holder of such license is a private membership club, marina, golf course or country club that normally charges food, drinks and other purchases to the member's monthly dues account in the regular course of business.

SB 115 creates a commercial vessel beverage license for commercial vessels operating solely on the waterways in Oklahoma. Holders of a commercial vessel beverage license must purchase their products from an authorized distributor or wholesaler and are subject to the excise tax associated with alcoholic beverage purchases.

SB 469 prohibits licensees under the ABLE Commission from retaining or receiving a license if they are the spouse or partner of any member or employee of the commission.

SB 805 directs the ABLE Commission to promulgate rules for employee license payment plans or recommend changes in legislation to allow for large corporate employers to pay for its employee alcohol licenses through either a purchase card, national credit card, draw account or other method of corporate payment.

SB 816 requires the ABLE Commission to provide written notice to an applicant's employer if the commission denies an application for an employee license.

Corrections

HB 2480 modifies appointments to the State Board of Corrections by allowing the Governor to appoint five members, two members to be appointed by the Speaker of the House and two members to be appointed by the President Pro Tempore of the Senate. The Director of the Department of Corrections

(DOC) is selected and serves at the pleasure of the Governor and may also be removed by a two-thirds vote of the Legislature.

SB 1045 provides a wage increase of \$2 per hour for approximately 41 position categories in correctional facilities.

HB 1181 removes the requirement that the Department of Corrections maintain a Special Care Unit at the Oklahoma State Penitentiary. The measure allows the department to provide acute psychiatric care at its facilities as appropriate.

HB 1374 requires the DOC to reimburse county sheriffs' offices for the transport of offenders from the county to the Lexington Assessment and Reception Center or other location designated by the department. The department is to pay for mileage and hourly wage reimbursement for the transporting officer, not to exceed \$30 an hour per officer, and DOC is to promulgate rules and submit quarterly reports to the House and Senate budget chairs. The measure also creates the Department of Corrections Offender Transport Revolving Fund within DOC.

HB 2757 requires DOC to transfer \$1 million to the Offender Transport Revolving Fund for the purposes of paying for county jail transports.

HB 1393 provides that all officers, investigators, agents and immediate supervisory staff assigned to the Investigations Division of DOC are

deemed peace officers. Such officers will possess the powers granted to them by law and must meet all of the training and qualifications for peace officers.

HB 2282 allows a sheriff to authorize a jailer to use nonlethal weaponry upon completion of appropriate training. Previously, only jailers in counties with a population of 400,000 or more could use nonlethal weaponry.

HB 2519 adds DOC personnel, or any entity that contracts to provide housing or services for DOC inmates, to the list of who can administer opiate antagonists without a prescription.

SB 163 requires any sex offender to contact the Department of Human Services three days prior to an intention to reside with a minor. Previously, the law required only the parent, stepparent or grandparent subject to registration to report to the hotline.

SB 244 authorizes the DOC to establish a dedicated electronic address to receive all electronically submitted judgment and sentence documents. The measure also removes the penalty for county sheriffs who fail to comply with the five-day notification requirement for county jails transferring a prisoner to the custody of the department.

SB 7 changes the name of the DOC facility located in Pauls Valley from the Southern Oklahoma Resource Center to the Washita Valley Correctional Center. ■



Economic Development & Financial Services

From tax credits for cybersecurity employees and employers to the expansion of the state's film rebate program, many economic development programs and incentives were enacted, reformed or expanded to foster job and economic growth for the state.

HB 2739 authorizes the appropriation of \$5 million to the Oklahoma Quick Action Closing Fund. The Quick Action Closing Fund is used by the Governor for economic and infrastructure development expenditures aimed at locating or retaining a high impact business in the state.

HB 2759 creates an income tax credit for qualified software or cybersecurity employees first employed or contracting in the state on or after November 1, 2019. The credit amount is \$2200 per year for up to seven years for any qualified employee with a bachelor's or higher degree or \$1,800 per year for up to seven years for those with an associate's degree or certificate from an Oklahoma technology center. The credit can be claimed beginning tax year 2020 through tax year 2029 and is subject to a \$5 million annual cap beginning in tax year 2022.

HB 1884 expands eligibility for several tax credits for vehicle manufacturing companies and their employees by making the credits available to qualifying automotive parts companies and their employees. The measure further expands eligibility for the credits

by including companies engaged in manufacturing buses or truck-tractors. Eligible companies and employees are currently allowed to take the following tax credits:

- An income tax credit for the employer equal to 50 percent of the amount of employer paid tuition reimbursement to a qualified employee for the 1st through 4th year of employment;
- An income tax credit for the employer equal to 10 percent of the compensation paid for the 1st through 5th year of employment for a qualified employee; and
- An income tax credit for the employee equal to \$5,000 per year for up to five years when employed by a qualified company.

SB 200 extends the sunset date of the Oklahoma Film and Rebate Program to July 1, 2027 and doubles, from \$4 million to \$8 million, the annual cap on rebate payment allowed under the program. The measure also creates the designation of a *high-impact production*, which is defined as a production of which total expenditures or production costs are equal to or greater than \$50 million and at least one-third of total costs are deemed Oklahoma expenditures by the Oklahoma Film and Music Commission. Furthermore, a high-impact production must have its designation approved by the Cabinet Secretary for Commerce and Tourism, is exempt from the \$8

million program cap and can receive rebate payments from the Oklahoma Quick Action Closing Fund. When a rebate claim for a high-impact production is approved, payment is to be made by a special appropriation to the Oklahoma Film Enhancement Rebate Program Revolving Fund if the claim is approved during a regular or special session of the Oklahoma Legislature. If the claim is approved outside of the legislative session, payment will come from the Oklahoma Quick Action Closing Fund.

HB 2748 allows entertainment districts to qualify for inducements, in the form of sales tax credits or incentive payments, pursuant to the Oklahoma Tourism Development Act and extends the sunset date of the inducement program from January 1, 2021 to January 1, 2026. An *entertainment district* is defined as a mixed-used planned development project encompassing at least 100,000 square feet that has an approved cost of \$1 million or more. An entertainment district must also include at least three of the following entertainment or recreational components:

- Retail;
- Housing;
- Office;
- Restaurants;
- Hotel;
- Grocery;

- Small brewery facilities; or
- Structured parking.

The measure also allows approved companies receiving inducements pursuant to the act to pass-through all or a portion of the sales tax credit or incentive payment received for an entertainment district to one or more entertainment district tenant parties.

HB 1411 expands eligibility for the Oklahoma Affordable Housing Tax Credit by removing the population limit for qualified projects. Previously, a *qualified project* was defined as a low-income building that meets IRS standards and located in a county with a population of less than 150,000. The bill also reduces, from five to two years, the carryover period for the credit.

HB 2536 modifies the eligibility criteria for the Small Employer Quality Jobs Program. Previously, businesses were required to have 75 percent of their total sales to out-of-state customers or buyers within 24 months of the date of application. The out-of-state sales requirement is lowered to 35 percent for the first two years and 60 percent thereafter.

SB 840 creates a wage criteria for establishments to be qualified to receive money from the Oklahoma Quick Action Closing Fund by requiring any new jobs to have an annualized average wage greater than the average wage in the county. Furthermore, the requirements preclude health care premiums paid by the employing qualified establishments from being included when computing the annualized wage.

SB 695 relates to the five year ad valorem exemption for qualifying manufacturing establishments. The measure expands the list of establishments that are allowed to delay the initiation of their exemption to include any entity engaged in distribution with an initial capital investment of at least \$180 million.

SB473 relates to the Local Development and Enterprise Zone Incentive Leverage Act, which provides state-local-enterprise and state-local-government matching payments to business and governmental entities for investments made within an incentive or increment district. The measure extends the sunset date for the establishment of incentive districts to December 31, 2028, provided investments or improvements within the district begin no later than December 31, 2029, and are completed by December 31, 2034.

The Legislature took steps to allow Oklahoma military installations to participate in public-private partnerships by passing **SB 749**, which modifies the Pooled Finance Act to create the Public-Private Partner Development Pool (PPDP). The Oklahoma Development Finance Authority is authorized to issue bonds to raise funds for the PPDP to help finance eligible infrastructure development projects that involve one or more eligible local government entities, a for-profit business and/or a federal government defense entity located in Oklahoma. At least 65 percent of the net proceeds from the PPDP must be used for the benefit of eligible local government entities with a population of less than 300,000 per municipality, which are shown on the map on the following page.

Eligible projects will be rated by a scoring system developed by the Oklahoma Department of Commerce (ODOC) that will include an analysis of capital investment by public and private stakeholders, new direct job creation, salary and wage payments as a result of the job creation and the economic expansion of businesses that would benefit from the PPDP.

Interested local government entities are required to apply to the department for approval of pooled financing for an infrastructure project and obtain a determination letter from ODOC stating that the project will result in a positive net benefit rate. Projects with a positive

net benefit rate allow the applying local government entity to capture withholding taxes associated with new jobs or existing jobs associated with the participating for-profit business entity. The Oklahoma Tax Commission is then required to determine applicable withholding taxes and deposit those funds into the Community Economic Development Pooled Finance Revolving Fund (CEDPF).

In addition, the measure prohibits for-profit businesses from claiming other tax and economic incentives such as incentive payments pursuant to the Economic Development Pool, the Oklahoma Quality Jobs Program Act or any investment tax credits during the period of time that withholding taxes are captured and diverted into the CEDPF revolving fund. Furthermore, for-profit businesses participating in the PPDP will not be subject to corporate income tax associated with the payment of withholding taxes to local governmental entities when the payments are made for the purpose of infrastructure development.

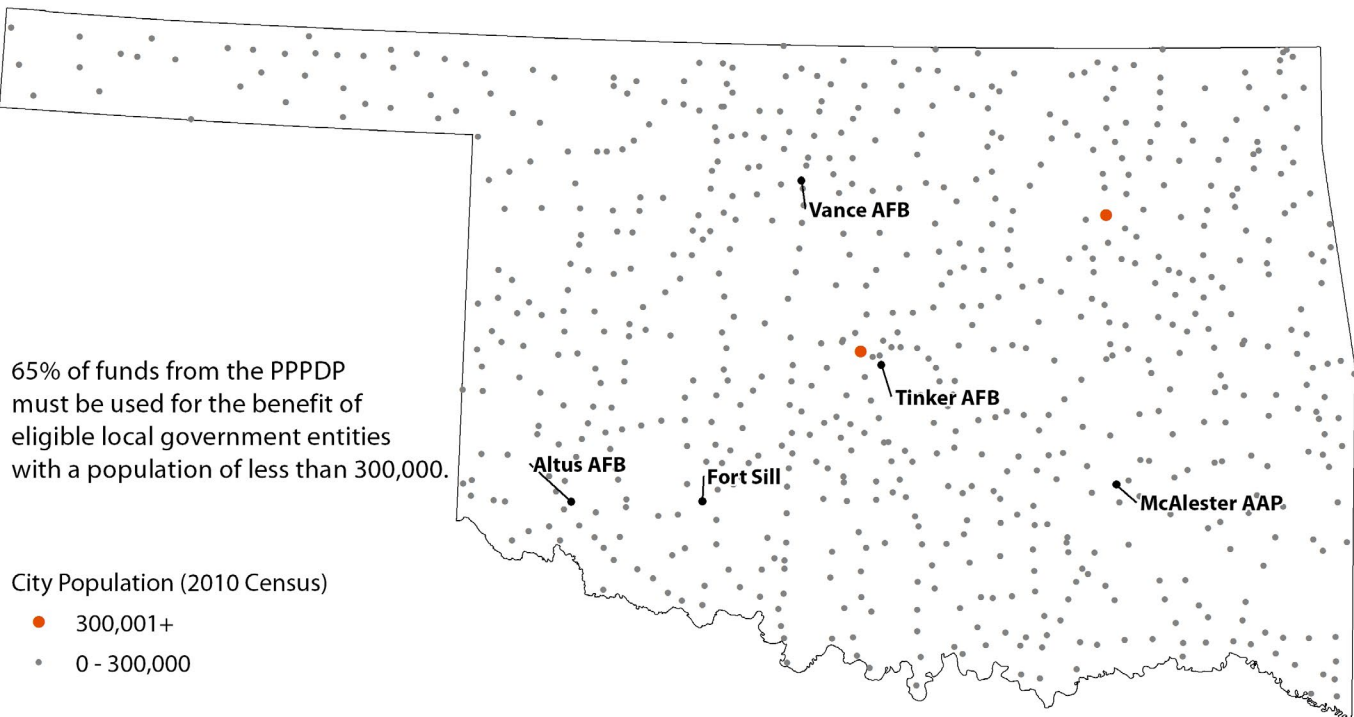
SB 485 sunsets several tax incentives provided by the Small Business Incubators Incentives Act effective January 1, 2020. The measure also repeals the Quality Jobs Investment Program.

Business and Labor

The Legislature took action to help those reentering the work force after paying their debt to society be able to provide for themselves and their families. Other measures include a new framework for forming a benefit corporation, a greater ability to stimulate a local economy through public construction contracts, and a clearer process for determining whether a person is an employee or an independent contractor.

Oklahoma joins a majority of states in allowing corporations to identify as a benefit corporation with the passage of **HB 2423**. The measure creates the

SB 749 | Public-Private Partner Development Pool (PPDP)



20-0649 House GIS Services

Oklahoma Benefit Corporation Act to establish a framework to allow new and existing corporations to elect to become a benefit corporation when filing or amending its certificate of incorporation. As benefit corporations, these entities may hold themselves to different standards of corporate purpose, accountability and transparency. At a minimum, a benefit corporation must:

- Have a purpose of creating public benefits and may amend its certificate of incorporation to add, amend and delete specific goals;
- Consider the impact of their decisions on many stakeholders, including workers, the community and the environment; and

- Prepare an annual benefit statement to shareholders as to the corporation's promotion of its general and specific public benefit.

SB 642 updates the Oklahoma General Corporation Act (OGCA) to establish governance procedures for nonstock, charitable nonstock and nonprofit nonstock corporations and provides guidance on the applicability of the act to such corporations. The measure stipulates that certain terms within the OGCA are interchangeable when viewed in the context of a nonstock corporation. Specifically, all references to shareholders of a corporation are deemed to refer to members of the corporation; all references to the board or board of directors of a corporation are deemed to refer to the governing body of

the corporation; and all references to stock, capital stock or shares of a corporation are deemed to refer to memberships and membership interest in a nonstock corporation.

SB 117 appropriates \$4 million in federal funds to the Employment Security Administration Fund to be used by the Oklahoma Employment Security Commission for the purpose of administering the employment services program and unemployment insurance program.

HB 1309 authorizes a place of public accommodation, as defined in the Code of Federal Regulations, to restrict entry of animals, except service animals. Service animal do not include an emotional support or therapy animals. A sign stating the restriction must be posted in

HB 1885 authorizes a local bid preference of up to 5 percent of the amount of the contract for construction contracts issued by a public trust or a municipality, if that entity's governing body determines there to be a benefit to the local economy.

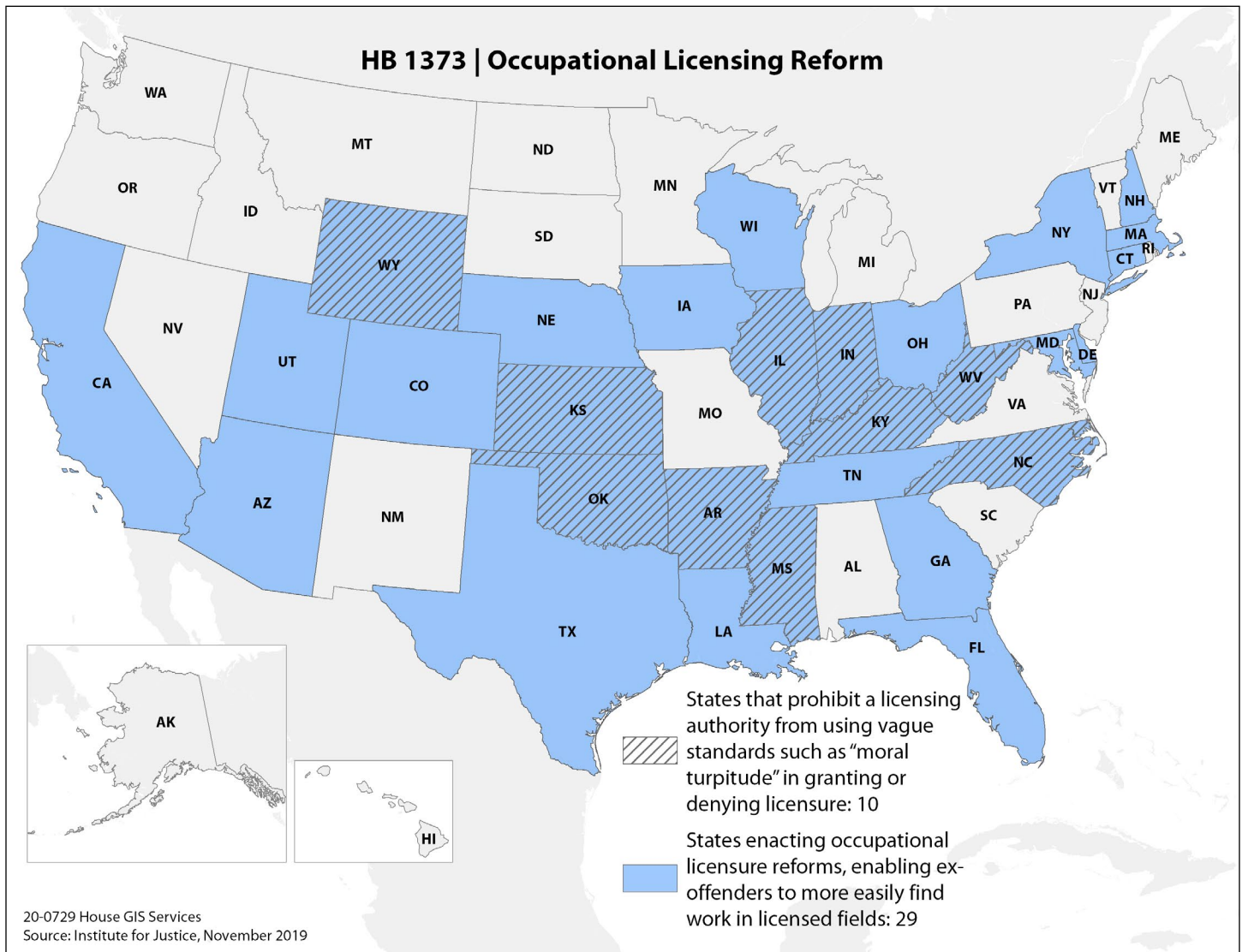
SB 243 changes the appointing authority for one member of the Partnership Committee, created under the Oklahoma Public and Private Facilities and Infrastructure Act, from the Speaker of the House of

HB 1373 eliminates requirements that an applicant for an occupational license be of good moral character or not have been convicted of a crime involving moral turpitude. Licensure requirement statutes now allow denial of licensure only for a conviction of a crime that substantially relates to the practice of that occupation and poses a reasonable threat to public safety.

The measure also requires a state entity with authority over occupational licensure to explicitly list the specific criminal records that would disqualify an applicant. Criminal records which disqualify an applicant must substantially relate to the duties and responsibilities

SB 335 makes several changes to the Oklahoma Employment Security Act. The measure:

- Brings the definition of *wages* in line with federal law;
- Requires an applicant seeking part-time work to provide



information on whether something might keep them from accepting a position immediately;

- Limits the time period for appeals to one year from the date of determination;
- Extends from 14 to 20 days an employer's time period for objecting to the determined contribution rate; and
- Directs the Oklahoma Employment Security Commission (OESC) to establish re-employment services and eligibility assessment systems for ex-military claimants.

HB 1095 gives OESC exclusive authority to determine whether an individual is an independent contractor or an employee. A 20-factor test utilized by the IRS is applied by OESC to determine whether an employer-employee relationship exists.

HB 1260 directs the Oklahoma Department of Labor to retain up to \$30,000 each fiscal year in its Administrative Penalty Revolving Fund, which may be used only for production and dissemination of workplace safety educational materials or training, or for the acquisition of workplace safety equipment.

HB 2088 clarifies the definition of *report writer* in the Oklahoma Inspectors Act to include only a person and not an agency. The measure also clarifies the method of determining population for municipalities small enough to be exempt from provisions of the Oklahoma Inspectors Act.

SB 104 updates and clarifies language allowing real estate agents to offer prizes, money or gifts for marketing purposes only.

SB 731 exempts individuals with 15 or fewer employees in Oklahoma, or with 24 or fewer employees in two or more states, from some provisions of the Oklahoma Appraisal Management Company

Regulation Act. The bill also requires an appraisal management company to make reports to the Appraisal Subcommittee of the Federal Financial Examinations Council.

SB 387 makes numerous changes to the practice of chiropractic medicine. The measure:

- Authorizes the Board of Chiropractic Examiners to employ an executive director;
- Allows out-of-state licensed chiropractic physicians to assist in-state licensees who are unable to practice for medical reasons;
- Allows an applicant for a new or transfer license to be granted a temporary license upon payment of an examination fee and an acceptable score on the examination;
- Authorizes the Board of Chiropractic Examiners to assess, as a penalty or fine, costs expended by the board in investigating and prosecuting a violation;
- Increases the license renewal fee from \$225 to \$275; and
- Requires a licensed veterinarian to write a referral in order for a chiropractic physician to diagnose and treat an animal.

SB 737 amends the definition of *professional service* under the Professional Entity Act to include real estate appraisal services.

SB 422 modifies the definition of *designated manager* in the Oklahoma Accountancy Act to include the requirement that the manager be an Oklahoma certified public accountant. The measure provides that an application fee for examination is nonrefundable. The measure increases the maximum fee from \$600 to \$5,000 for the restoration of a certificate or license that has been canceled or revoked due to nonpayment of the renewal fee, and increases the application fee

for an individual permit from \$100 to \$200.

Banking and Financial Services

After several years of discussions, the Legislature enacted reforms for payday and small loan lending. Other legislative updates dealt with the Department of the Consumer Credit and creating penalties for credit card fraud.

SB 720 creates the Oklahoma Small Lenders Act, which establishes a framework to license and regulate small loan lenders through the Oklahoma Department of Consumer Credit (ODCC). All licenses issued under the Deferred Deposit Lending Act, the current law for regulating pay day lending, will expire effective August 1, 2020 and existing licensees must make application for licensure under the Oklahoma Small Lenders Act beginning January 1, 2020 in order to continue in the business of making small loans. Under the Oklahoma Small Lenders Act, loans are limited to a periodic interest rate of 17 percent per month and a \$1500 principal loan amount per customer. To ensure that the maximum aggregated principal loan amount is not exceeded, a licensee must verify outstanding amounts by using a private database approved by the ODCC. Furthermore, all small loans executed under the act must be unsecured, have a loan period between 60 days and 12 months, be fully amortized and payable in substantially equal periodic payments and contain no prepayment penalty.

Fees created include a \$700 filing fee, \$500 license fee, \$700 supervision fee and \$550 license renewal fee applicable to each business location offering small loans. Lastly, the measure bars local government units such as cities, towns and counties from establishing their own regulations for small loans.

SB 732 modifies the fees that may be charged on small loans of \$300.00 or less. The fee structure is dependent

on the principal loan amount and may include an acquisition charge of up to one-tenth of the principal loan and a monthly handling fee, which is summarized in the following table:

Principal Loan Amount	Maximum Handling Fee
Up to \$29.99	\$1 for each \$5 of principal
\$30.00 – \$35.00	\$3.00/month
\$35.01 – \$70.00	\$3.50/month
\$70.01 – \$100.00	\$4.00/month
\$100.01 – \$150.00	\$4.50/month
\$150.01 – \$200.00	\$5.00/month
\$200.01 – \$250.00	\$5.50/month
\$250.01 – \$300.00	\$6.00/month

HB 1387 allows the Administrator of ODCC to enter into cooperative information-sharing agreements with organizations and agencies, accept third party examinations and reports from an information-sharing organization in lieu of conducting their own examinations, and establish recordkeeping requirements for the department. The measure also authorizes ODCC to charge a document copying fee of \$0.25 per page for public records and \$1 per page for non-public records, provided the minimum examination report inspection or copying fee will be \$100.

HB1996 authorizes the administrator of ODCC to levy the following new fees on its licensees:

- Investigation fee of \$100 for each business location;
- Administrative fee of \$25 for any returned check, address or license change or duplicate license request;
- Late reporting fee of \$50 for untimely filed reports; and
- A fee for late applications for renewal of a license received

after December 1 of each year, limited to \$10 per day for up to 30 days.

- Additionally, the measure provides that a license will expire 30 days after January 31 of any year for which the annual fee and investigation fee has not been paid.

HB 1425 relates to services fees for debit/credit card transactions. Currently, state law allows certain entities to charge a service fee to offset bank processing fees, financial transaction fees, portal fees and other fees necessary to compensate for increased bandwidth requirements as a result of providing the transaction. The bill clarifies that these fees can be applied to online or in-person transactions and clarifies that municipal courts not of record in the state are allowed to assess a service fee.

HB 2380 creates a criminal penalty for debit/credit card fraud that involves possessing, using, selling or delivering a skimming device or reencoder with the intent to defraud the authorized user or the issuer of the card or a person or organization providing money, goods, services or anything else of value.

Insurance

The Legislature focused a great deal of attention on insurance reforms this legislative session. A number of measures were passed including bills related to pharmacy benefit manager (PBM) regulation, step therapy reform, dental insurance prior authorizations, and association health plans (AHPs).

In an effort to increase patient pharmacy choice and provide greater access to prescription drugs, **HB 2632** creates the Patient's Right to Pharmacy Choice Act. The measure requires PBMs to comply with the following coverage standards:

- At least 90 percent of covered individuals in an urban service

area must live within 2 miles of a retail pharmacy participating in the PBM's pharmacy network and within 5 miles of a preferred participating pharmacy;

- At least 90 percent of covered individuals in a suburban service area must live within 5 miles of a participating pharmacy and within 7 miles of a preferred participating pharmacy; and
- At least 70 percent of covered individuals in a rural service area must live within 15 miles of a participating pharmacy and within 18 miles of a preferred participating pharmacy.

The measure defines *urban service area* as a ZIP code with a population density greater than 3,000 individuals per square mile, *suburban service area* as a ZIP code with a population density greater than 1,000 individuals per square mile, and *rural service area* as a ZIP code with a population density less than 1,000 individuals per square mile.

PBMs are prohibited from certain actions including:

- Requiring patients to use PBM-owned pharmacies;
- Selectively listing the names of providers participating in the network; and
- Denying a pharmacy the opportunity to participate in a network if the pharmacy meets the terms and conditions;
- Retroactively reducing reimbursement for a claim; or
- Restricting pharmacists from informing patients of less expensive options.

The Insurance Commissioner is authorized to investigate any PBM activities, including creating a Patient's Right to Pharmacy Choice Advisory Committee to review any violations of this act. The table on the following page provides a regional comparison.

HB 2632: Comparison of Legislative Requirements for PBMs

State	Bans "gag clauses"	Requires PBMs to be licensed in the state	Limits patient cost-sharing	Prevents price spreading	Requires PBMs to report pricing and rebate information	Permits or mandates disclosure of drug's out-of-pocket cost with and without insurance
AK	X	X				
AR	X	X	X			X
AZ	X		X			
CO	X		X			
CT					X	
FL		X	X		X	X
IN						X
KS	X					X
KY	X		X			X
LA	X	X		X	X	
MD	X			X		
MS						X
MO	X		X			X
NH	X	X				
SC			X			
SD	X					
TN		X				
UT	X		X		X	
VA	X		X			X
WV	X		X			X
OK	X	X			X	X

Data source: National Academy for State Health Policy, October 2018

Oklahoma joins 20 other states in adopting step therapy exception legislation with the passage of **SB 509**. The measure requires any health insurance plan that utilizes a step therapy protocol, or "fail first," to base the protocol on clinical practice guidelines. When a health insurance plan restricts prescription drug coverage pursuant to a step therapy protocol, the insurer must provide a process for a step therapy exception. Exceptions may be granted in cases where the:

- Prescribed drug will likely cause an adverse reaction or harm;
- Prescription drug will likely be ineffective;
- Patient has tried the prescription drug prior and discontinued use;
- Prescription drug is not in the best interest of the patient; or

- Patient is stable on another prescription drug.

Health insurers must respond to requests for exceptions or appeals within 72 hours, or within 24 hours if extreme circumstances exist. Patients may appeal any exception decision.

SB 993 extends, from six months to 12, the period of time a person may be covered by short-term, limited duration insurance (STLDI), with the ability to renew for a maximum of 36 months. STLDI plans are exempt from the provisions of the Health Insurance Portability and Accountability Act, medical loss ratio calculations, and provisions of the Affordable Care Act. STLDI plans may limit their benefits; however, applicants must be notified of the plan's limited coverage.

SB 948 prohibits insurers from denying any dental claim included

in a prior authorization. The measure allows for claims denials only in cases where:

- The benefit limitations have been reached after prior authorization;
- The documentation does not verify that the procedure was authorized prior;
- Changes in condition or procedure render the procedure no longer medically necessary;
- Changes in condition or procedure render the procedure no longer reimbursable;
- Another payor is responsible for reimbursement of the procedure;
- The dentist has already been paid;
- The claim was submitted fraudulently; or

- The patient was ineligible for the procedure.

The measure requires insurers to issue a prior authorization within 30 days of a request. Lastly, the bill allows board-certified assistant behavioral analysts to provide applied behavior analysis services for children diagnosed with autism spectrum disorder.

SB 1010 relates to multiple licenses regulated by the Oklahoma Insurance Department. The measure requires:

- Insurance producer licenses to include residential, business and mailing addresses;
- Licensees to respond to the Insurance Commissioner within 20 days, rather than 30, of receiving an inquiry from the commissioner;
- Licensees and applicants to disclose previous criminal prosecution or administrative action;
- Applicants for viatical settlement provider licenses to provide proof of financial responsibility in the amount of \$50,000; and
- Service contract providers to file current contracts issued in the state at the time of license registration.

Finally, the measure prohibits a person without a license from acting as an adjuster regardless of having obtained power of attorney from a claimant.

HB 1335 creates the Protected Cell Companies Act, allowing insurers to create protected cell accounts for the purposes of accessing alternative sources of capital and increasing insurance securitization. Insurers must receive approval from the Insurance Commissioner prior to creating a protected cell account. The measure places certain restrictions on protected cell accounts, including requiring assets and liabilities of a protected cell account to be separate from the company's general account.

SB 885 modifies the Insurance Business Transfer Act, which allows insurers to transfer policy contracts to another insurer in the state without the affirmative consent of policyholders, by requiring an insurance business transfer plan to include a list of documents utilized by an independent expert. The transferring and assuming insurers are to be jointly responsible for any costs associated with hiring an independent expert, who must be paid at an hourly rate. All materials provided to the Oklahoma Insurance Department while an insurance business transfer application is under review will be considered confidential.

HB 2424 and **SB 943** bring Oklahoma into federal compliance regarding association health plans (AHPs). AHPs are group health plans formed by multiple employers in order to increase bargaining power when purchasing health insurance for their employees. AHPs are regulated by the Department of Labor as a type of multiple employer welfare agreement (MEWA). Governed by the Employee Retirement Income and Security Act, AHPs do not have to follow all Affordable Care Act requirements, including the requirement that insurers cover certain essential health benefits.

HB 2424 modifies the license requirements for a MEWA, allowing an association with a current form M-1 filed with the U.S. Department of Labor showing Oklahoma as the state of operation to be licensed. The Insurance Commissioner may not waive the requirements of aggregate stop-loss coverage for a MEWA license applicant.

A related measure, **SB 943** redefines *bona fide association* to mean any association with a current form M-1 filed with the U.S. Department of Labor showing Oklahoma as the state of operation.

HB 1060 expands the applicability of the Oklahoma Life and Health Guaranty Association Act to include

health maintenance organizations as member insurers, and health care providers and enrollees as persons for whom the association may provide coverage. Medicaid and the Children's Health Insurance Program are excluded from the association's coverage obligations. Maximum non-pro rata amounts for Class A assessments are removed, and Class B assessments must be allocated 50 percent to accident and health member insurers and 50 percent to life and annuity member insurers. The Oklahoma Life and Health Guaranty Association provides protections to enrollees in the event of an insurer's insolvency or liquidation.

SB 990 requires any premium rate filing for a Medicare supplement policy to be approved by the Insurance Commissioner and communicated to policyholders between September 1 and October 30 of each year. Each increase will take effect January 1 of the following year.

HB 2190 requires an insurer's audit committee to oversee its internal audit function, exempts certain insurers from the internal audit function requirement based on annual premium losses, and establishes protocols if the insurer is no longer eligible for an exemption.

HB 2191 requires insurers to submit their corporate governance annual disclosure (CGAD) to the Insurance Commissioner each year by June 1. The measure outlines reporting responsibility, content to be included in the CGAD, and documentation to be provided. The commissioner may request additional information and any documentation provided shall be considered confidential. Failing to file a CGAD in a timely manner will result in a penalty of up to \$100 per day, with a maximum penalty of \$10,000.

HB 1157 prohibits health insurance plans issued after January 1, 2020, from containing provisions restricting methods of payment from an insurer to a provider. If an insurer utilizes

electronic payments, the insurer must notify the provider of any fees associated with the payment method. An insurer may not charge a fee for the method of payment unless the provider has consented to the fee.

SB 981 removes a requirement that the Office of Management and Enterprise Services (OMES) and Oklahoma Employees Insurance and Benefits Board invest monies in assets of commercial life insurance companies. The measure transfers certain responsibilities from the board to OMES, including the requirement to retain investment managers and compile financial statements.

SB 886 adds self-service storage insurance as a form of limited lines insurance. An owner of a self-service storage facility is not required to offer self-service storage insurance; however, the owner must obtain a license in order to sell the insurance.

SB 704 prohibits any coverage limitation or denial for life, disability or long-term care insurance based on an individual's status as a living organ donor.

Bail Bondsmen

HB 1107 specifies that the cost of transferring a defendant from

custody in one jurisdiction to the original court is to be calculated based on the current IRS standard mileage rate. The measure adds that a bond is to be exonerated in any case where an added or amended charge results in higher fines or longer term of imprisonment. Any premium for the added or amended charge must remain at the same rate as the original bond and any premium paid to the original charge is to be credited toward the new charge.

SB 721 deletes language designating the Oklahoma Bondsman Association as the sole education provider for bail bondsmen licensure.

Tourism

HB 1897 gives the Oklahoma Tourism and Recreation Department (OTRD) more flexibility in how funds in the State Park System Improvement Revolving Fund can be spent. The fund consists of all monies received from annual visitor passes and entrance or day-use charges for the state park system and previously were required to be spent on capital improvements.

HB 2252 allows the OTRD to use money from their petty cash fund to purchase licenses from the Alcoholic Beverage Laws Enforcement

Commission for the purpose of buying alcoholic beverages from licensed wine and spirit wholesalers and beer distributors.

SB 1064 outlines spending requirements for the Oklahoma Historical Society from appropriated funds, including:

- A minimum of \$70,000 for the Will Rogers Memorial Museum;
- \$1.5 million for the 1921 Tulsa Race Riot Centennial Memorial Revolving Fund;
- A minimum of \$600,000 for the Oklahoma Historical Society Roof and Structure Renovation; and
- A minimum of \$250,000 for the Stafford Air and Space Museum.

HB 1774 creates the Oklahoma Route 66 Centennial Commission to plan and sponsor Route 66 Centennial events, encourage development of programs designed to involve citizens in activities commemorating the centennial, and make available to the public information on events throughout the state. The centennial is in 2026.

SB 116 authorizes use of a state purchase card by the Oklahoma Film and Music Office Division of the OTRD. ■



Education

The Legislature prioritized increased funding for public schools and pay raises for teachers this session. Beyond that, the bills pertaining to education focused on increased transparency for certain school programs, sought innovative solutions to the state's teacher shortage, and worked to

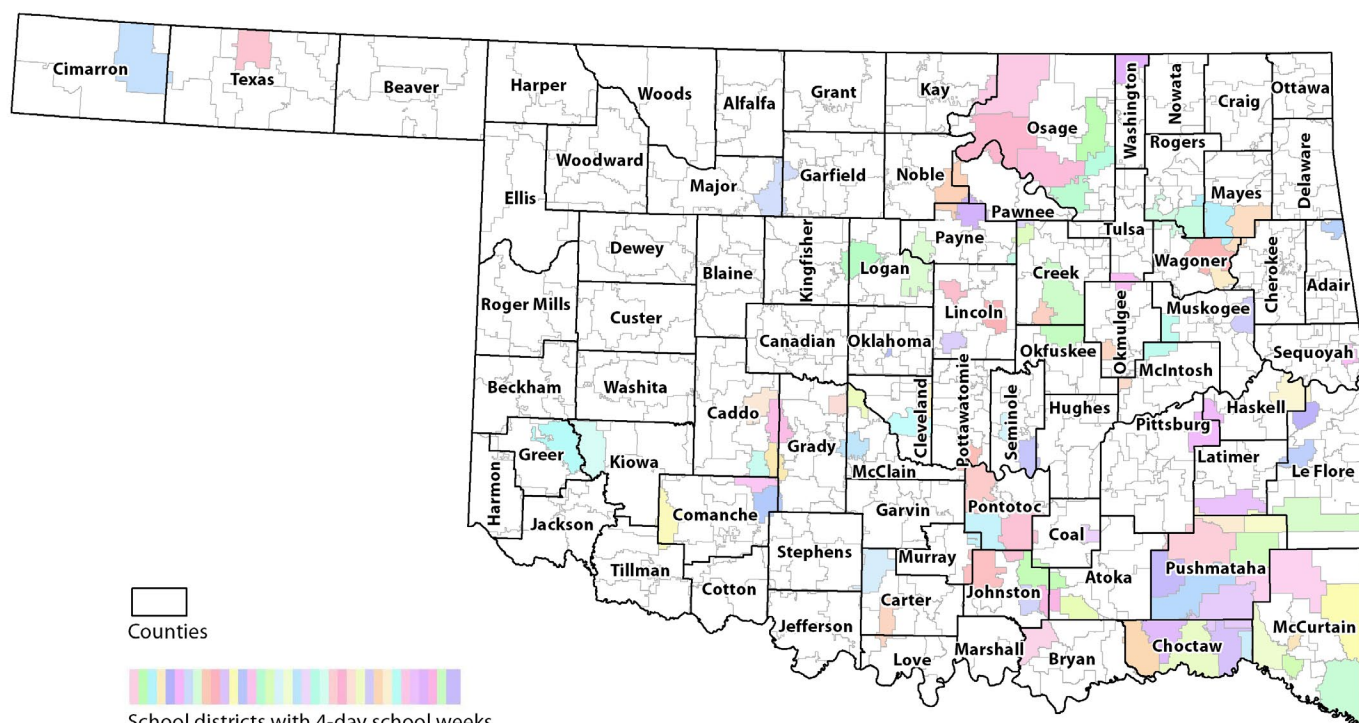
ensure teachers have the proper training for today's ever-changing classroom.

Common Education

SB 441 requires increased classroom time for Oklahoma public school

students. Beginning with the 2021–22 school year, school districts will be required to be in session for a minimum of 1,080 hours and 165 days, unless the district meets academic performance benchmarks and cost savings benchmarks established by the State Board of

SB 441 | 4-Day School Weeks



OK House GIS Services
20-0465

Education. If a district meets the required benchmarks it retains the ability to be in session as many days as it chooses, but still must achieve 1,080 hours.

HB 1395 subjects charter schools to greater financial transparency and oversight. The measure requires a charter school that contracts with an educational management organization (EMO) to publicly report the total amount paid to the EMO, to report itemized expenditure information for the goods and services provided by the EMO, and to also report the total compensation package of the school superintendent. Further, the measure clarifies that teachers cannot abandon their contract to work for another school unless the teacher has been discharged from their position or released from their contract by the district's board of education.

SB 193 modifies the circumstances under which schools can lose their accreditation or be assessed a financial penalty for receiving a deficiency in accreditation. Until the Legislature appropriates \$50 million more than it did in FY 2019 for the financial support of public schools, excluding funding for salaries, they are exempt from:

- Losing accreditation for failing to meet the media materials and equipment standards, the media program expenditure standards, and the media personnel standards;
- Policies or laws requiring them to form or participate in any advisory council or committee, including but not limited to the requirement to convene an advisory council when preparing the school improvement plan; and
- Requirements relating to adopting and purchasing textbooks.

If by July 1, 2021, the Legislature has appropriated \$100 million more for the financial support of public

schools than it did for the fiscal year ending June 30, 2019, excluding funding for salaries, public schools may be assessed a financial penalty for not complying with the class size limitations for kindergarten and grade one.

The measure also requires the State Department of Education (SDE) to submit a report on statewide classroom sizes to the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate no later than January 1, 2022.

SB 601 eliminates the four categories of *advanced*, *proficient*, *limited knowledge* and *unsatisfactory* previously used to describe a student's achievement on the Reading Sufficiency Act assessment, and establishes a new set of criteria for determining a student's achievement. The measure requires the criteria – established by the Commission for Educational Quality and Accountability – ensures students are performing at grade level on the reading foundations and vocabulary portions of the statewide third-grade assessment.

Further, the measure clarifies that kindergarten students will be screened for reading skills at the beginning, middle and end of the year. It also modifies the times students in grades 1-3 shall be assessed.

SB 926 requires public school curriculum used to teach sex education to include information about consent. The measure defines *consent* as the affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter and which can be revoked at any time.

HB 2520 makes modifications to alternative education programs in the state by clarifying that the program must be provided to students in grades 7-12, and changing the funding calculation by basing it on the average daily membership of the program.

Additional requirements include that:

- A certified teacher in an alternative education program or school shall be paid 5 percent more than the designated salary step for that teacher within the adopted salary schedule of the school district;
- A person providing counseling or social services in an alternative education program or school must be certified as a school counselor by the State Board of Education or as a mental health provider; and
- The State Board of Education may create an evaluation schedule for alternative education programs, requiring them to be evaluated not less than once every three years.

SB 33 prohibits vaping tobacco products in early childhood centers and public schools.

SB 92 requires public schools to be evaluated every four years to determine whether they meet state accreditation standards beginning with the 2019-20 school year. The State Board of Education may modify the evaluation schedule for reasons including a change in the superintendent of the school district; determination that one or more school district board members have not met the continuing education requirements; or that the school district falsified information submitted to any city, county, state or federal official or agency.

The measure requires the SDE to investigate a complaint of failure to comply with accreditation standards within 30 days of receiving the complaint. If the department determines that a school has failed to comply with the standards it will recommend either a warning, probation or non-accredited status to the State Board of Education within 90 days. In addition, schools that receive a deficiency on their accreditation will be evaluated

annually until they have received no deficiencies for two consecutive years, at which point they will return to an evaluation schedule as determined by the board.

SB 381 allows schools to stock inhaled asthma medication and authorizes a school nurse or trained school employee to administer the medication to a student who they believe is experiencing respiratory distress. The district is required to inform parents or guardians in writing that school personnel may administer an inhaler to a student. Further, the district must notify the parent or guardian of a student after the administration of an inhaler.

SB 593 requires the SDE to develop a rubric for implementing quality computer science programs in elementary, middle and high schools by December 31, 2019. The measure also directs the State Board of Education to allocate one million dollars — subject to legislative appropriations — toward developing and implementing high quality professional learning opportunities for computer science courses that align with the framework and the Oklahoma Academic Standards for Computer Science. Further, the bill authorizes the SDE to create a grant program for the purpose of providing computer science professional development opportunities to school districts and high-quality computer science professional learning providers, and directs how grant money may be spent.

Subject to the availability of funds, **HB 1364** directs the Oklahoma Department of Commerce, in cooperation with the SDE and Commission for Educational Quality and Accountability to approve assessments that measure students' career-readiness for a wide range of jobs. Beginning with the 2019-20 school year, the assessments will be made available to all public school districts to be administered to students at the discretion of each district's administration. The tests are required to measure foundational

workplace skills including applied mathematics, graphic literacy, critical thinking and leadership collaboration. Students who meet the minimum proficiency requirements on the component assessments will receive nationally recognized work-readiness certificates.

SB 575 allows a medical professional to treat or evaluate a student through telemedicine without verifying the parent is on site, provided prior consent has been given to the school district by the parent and is currently effective. The bill also clarifies that such parental consent will be effective for the school year for which it is granted and must be renewed each subsequent school year.

HB 2339 prohibits students from being vaccinated at school without prior written authorization of the parent or guardian.

HB 2641 changes the date by which the SDE must distribute preliminary results for all statewide student assessments from June 1 of each year to June 20 of each year. The measure also changes the date by which testing vendors must provide a final electronic data file of all school site, district, and state results to the department from August 1 to August 20 of each year.

SB 576 modifies the procedure school employees must follow if they suspect a student is being abused by requiring an employee who suspects a child under the age of 18 has been abused to report the suspected abuse to local law enforcement and to the Department of Human Services (DHS). Employees who suspect a student older than 18 is experiencing abuse will report the matter to local law enforcement. The bill provides for confidentiality of the reporting employee, unless otherwise ordered by a court.

SB 48 allows public school students to self-administer replacement pancreatic enzymes for the treatment of cystic fibrosis.

SB 36 eliminates the requirement for school districts to provide parents and student guardians an annual physical activity report that includes information about how physical activity is incorporated into the school day and the benefits of physical education.

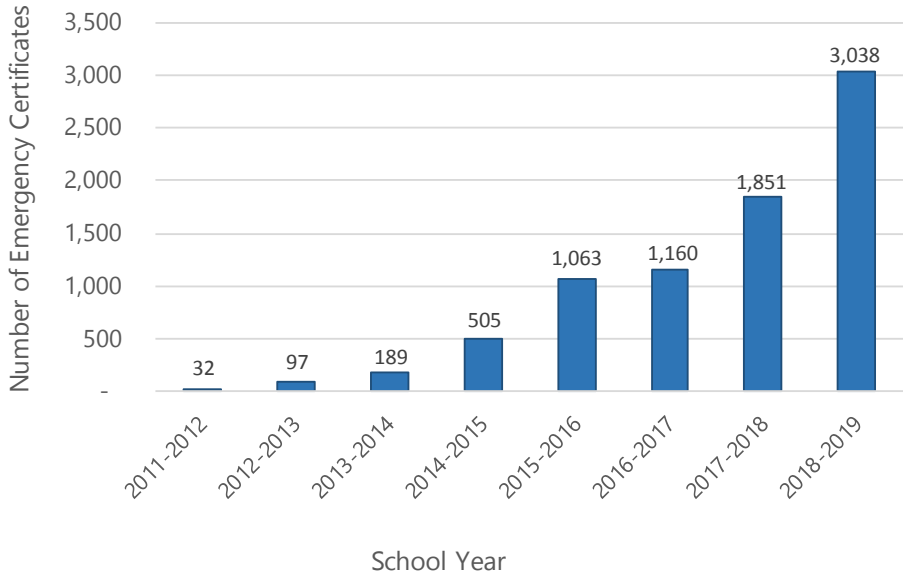
SB 742 requires district attorneys to send a report to the Office of Child Abuse Prevention within the Oklahoma State Department of Health detailing the instances of students convicted of truancy. Beginning with the 2019-20 school year the State Department of Education will be required to forward student and school data on chronic absenteeism to the office for possible assessment of the family's need for services and to give Child Welfare Services within the DHS access to identifying information and school attendance reports of students with developmental disabilities.

Teachers

SB 217 requires the State Board of Education to implement a pilot program focused on creating alternative pathways to teacher certification in school districts identified by the board. School districts may apply to participate in the program, and must meet certain requirements. *Providers*, defined in the measure as eligible entities that provide alternative teacher preparation, are required to offer intensive preparation courses, a research-based approach, peer-reviewed progress, and an evaluation process. Additionally, providers must establish an evaluation process that will allow candidates to demonstrate subject pedagogy and content standard proficiency through nontraditional means. Candidates that complete the provider courses will be eligible for teacher certification. The graph on the following page shows the number of certificates issues over the last eight years.

HB 1050 increases the length of time a substitute teacher can be employed

SB 217: Number of Emergency Certificates



Source: State Department of Education

during a school year from 90 days to 135. For a substitute who has a lapsed or expired certificate, or at least a bachelor's degree, the number of days is increased from 100 to 145.

HB 1228 requires school districts to offer teachers a professional development program about identifying and helping meet the needs of students with dyslexia, once per year, beginning with the 2020-21 school year.

HB 1905 requires that teacher candidates who are participating in teacher preparation programs approved by the Commission for Educational Quality and Accountability study trauma informed responsive instruction.

SB 446 requires the SDE and the Department of Mental Health and Substance Abuse Services, in consultation with school superintendents and local school boards, to develop training and resources that will help school employees recognize and address the mental health needs of students.

SB 382 directs every Safe School Committee to study and make recommendations to the school principal regarding the professional

development needs of school staff in order to recognize and report suspected human trafficking.

SB 194 removes the requirement for teacher candidates enrolled in a higher education program focused on elementary or early childhood education to pass a comprehensive assessment that measures their teaching skills in the area of reading instruction.

HB 1246 allows a retired member of the Oklahoma Teachers' Retirement System (OTRS) who becomes employed by the State Department of Education for the first time on or after November 1, 2019, to have the option to remain a member of OTRS subject to any applicable postretirement limitations, or choose to participate in the Oklahoma Public Employees Retirement System as an active member.

Miscellaneous Education

HB 1781 removes the requirement that a student teacher's internship be nonsalaried.

HB 1988 deletes the requirement that the State Board of Education adopt rules granting a medical

exemption from the 18-day chronic absenteeism provision of the school performance report.

HB 2769 repeals the requirement that the Legislature fund Common Education no later than April 1 of each year.

SB 70 updates what is required of the SDE as it develops and implements a state student record system by requiring the system to comply with the U.S. Department of Education ED Facts data exchange guidelines. Further, the measure authorizes the department to define requirements for the submission of data elements to the student information systems and instructional management systems used by school districts statewide in compliance with state and federal statutes.

SB 85 authorizes school nurses, certified and licensed alcohol and drug counselors, and designated school employees to administer opiate antagonists to students or other individuals in the event of a suspected overdose, and provides liability immunity under the Good Samaritan Act.

SB 268 allows the board of a virtual charter school to meet virtually provided the board maintains a quorum for the entire duration of the meeting.

SB 988 repeals the requirement that educational service contract personnel be paid the same benefits as regular school personnel. Current law defines *educational service contractor* as a private business entity that has contracted with one or more educational institutions to provide workers onsite or on campus that are assigned to accomplish tasks deemed necessary by the educational institution.

SB 1047 removes the requirement that all prior year lottery cash proceeds in excess of \$50 million be appropriated to the State Board of Education only for specific reading and science, technology, engineering and math (STEM) programs.

SB 1048 details how appropriations to common education will be distributed. The Legislature prioritized giving teachers a \$1,220 raise this session and provided an additional \$58.8 million to public schools to fund the bump in pay. Lawmakers also appropriated \$2.4 billion for the financial support of public schools, which is an increase of \$74 million over last year.

Higher Education

SB 361 specifies that the outdoor spaces of public institutions of higher education are public forums for the

campus community. The measure prohibits such institutions of higher education from creating free speech zones, which are areas of campus designated for expressive activities outside of which expressive activities are banned.

HB 1921 creates a statewide virtual presence initiative with the goal of becoming a leader in virtual presence as the technology matures. *Telepresence* is defined as the ability of people who are not physically present with each other to collaborate and interact with others in meetings, conferences, and other contexts as though they were physically present.

SB 1043 specifies how a portion of the funds appropriated to the Oklahoma State University Medical Authority (OSUMA) will be used. The measure stipulates that the OSUMA must:

- Dedicate \$1.5 million for medical school certification;
- \$1 million to enhance physician recruitment; and
- \$29 million for the Graduate Medical Education Program, of which \$20 million will be used to construct a new building, which will also serve as the Tulsa location for the Board of Medicolegal Investigations. ■



Energy & Utility Regulation

HB 2118 clarifies certain restrictions on wind turbine construction. Individual wind turbines, rather than the entire wind energy facility, are prohibited from encroaching upon or adversely impacting the mission, training or operations of a military installation. All adverse impacts to the Department of Defense must be resolved before construction of the turbine. The owner of a wind energy facility must also submit to the Corporation Commission and the Aeronautics Commission copies of all Federal Aviation Administration forms for individual wind turbines to be constructed. The Oklahoma Aeronautics Commission is authorized to promulgate rules regarding siting near military installations and mitigation of potential related harm.

HB 2151 provides that any person who owns any measuring device and who refuses to admit employees of the Corporation Commission onto their premises as necessary to perform their duties is guilty of a misdemeanor.

SB 1000 excludes residential property from the Oklahoma Energy Independence Act. Counties are authorized to establish programs that facilitate financing between commercial property owners and private lenders for energy efficient improvements and construction. Improvements must be related to energy efficiency, water conservation or building resiliency, and are

available for new construction or improvements to existing buildings.

HB 2095 modifies a tax credit for investments in qualified clean-burning motor vehicle fuel property by:

- Extending the sunset date of the credit until December 31, 2027;
- Removing references to equipment or property that uses hydrogen fuel cells as the energy source;
- Modifying the amount and procedure for calculating credits;
- Establishing a \$20 million annual cap for credits claimed beginning January 1, 2020;
- Requiring the Oklahoma Tax Commission to monitor tax credit usage and report usage to the State Secretary of Energy and Environment any time the amount of credits claimed reaches 80 percent of the annual limit; and
- Requiring the secretary to notify the Governor, House and Senate when the 80 percent threshold is reached.

For the purchase or conversion of a qualified motor vehicle, the credit amount will be based on the weight of the vehicle rather than the cost of the property.

For the purchase of infrastructure property such as a refueling or charging station, the credit amount is decreased from 75 percent to 45 of the cost effective January 1, 2020.

HB 2097 extends the definition of *excavate* in the Oklahoma Underground Facilities Damage Prevention Act to include certain operations in private or public easements or rights-of-way. The measure also requires underground facility operators to locate and mark their facilities prior to the date and time excavation work is scheduled to begin. ■

Vehicle Weight (lbs)	Maximum Credit Amount
Under 6,000	\$5,500
6,001-10,000	\$9,000
10,001-26,500	\$26,000
26,501+	\$50,000



General Government

This year, efficiency and accountability dominated the Legislature's efforts at government reform. A new Legislative Office of Fiscal Transparency was created, mirroring the Congressional Budget Office's function at the federal level. The Governor now has direct appointment power over several agency directors, rather than the agencies' boards. A new, simpler pay formula for county officers was implemented in response to issues relating to overpayment and lack of oversight. The Legislature also reclaimed some authority over government job classification, enhanced oversight of local law enforcement agencies, approved an across-the-board pay increase for state workers.

State Government

SB 1 creates the Legislative Office of Fiscal Transparency (LOFT) within the Legislative Service Bureau. Duties of the office include gathering information related to proposed agency budgets; evaluating the extent to which each agency fulfills its statutory responsibilities; determining the amount of revenue available to the agency from various sources; comparing current budget information to prior agency requests, and conducting an investigation of any agency as needed to fulfill its responsibilities. The office is also authorized to conduct performance evaluations and independent comprehensive performance audits.

The measure creates a 14-member bipartisan legislative committee, to be appointed by the Speaker and the President Pro Tempore, to oversee the operations of the LOFT and stipulates that the functions performed by the office shall not duplicate existing duties of the House and Senate. Finally, the bill repeals the Agency Performance and Accountability Commission.

HB 2483 replaces the existing Board of Mental Health and Substance Abuse Services with a board comprised of appointees of the Governor, Speaker and President Pro Tempore. The measure also makes the Commissioner of Mental Health and Substance Abuse Services an appointee of the Governor, who will serve at the pleasure of the Governor and provides that he or she may also be removed by a two-thirds vote of the Legislature.

SB 456 replaces the existing Oklahoma Health Care Authority (OHCA) Board with a board comprised of appointees of the Governor, Speaker and President Pro Tempore. The measure gives the Governor the authority to appoint the administrator of the OHCA who will serve at the pleasure of the Governor and provides that he or she may also be removed by a two-thirds vote of the Legislature.

HB 2480 modifies appointments to the State Board of Corrections by allowing the Governor to appoint five members, two members to be appointed by the Speaker of the

House and two members to be appointed by the President Pro Tempore of the Senate. The Director of the Department of Corrections is selected and serves at the pleasure of the Governor and may also be removed by a two-thirds vote of the Legislature.

HB 2670 creates the Pay for Success Act to establish a framework for performance-based pay for successful contracts between state agencies and private entities that result in a public benefit to the state. Established pay-for-success contracts must include specific performance targets and outcome measures that the private entity contracting with an agency must meet in order to receive a success payment from the state. Success payments will come from money appropriated to the newly created Pay for Success Innovation Fund managed by the Office of Management and Enterprise Services (OMES).

In response to how settlement funds were negotiated during the recent opioid litigation, **HB 2751** modifies the duties of the Attorney General (AG) by stating the office is to settle, compromise and dispose of an action in which the AG represents the interests of the state, so long as the consideration negotiated for is payable to the state or one of its agencies that is a named party of the action and any monies, property or other item of value is paid first to the State Treasury.

HB 2771 provides for pay increases to all full-time and part-time state employees, including temporary and other limited-term employees, but excluding certain others such as elected officials, cabinet secretaries and agency directors. An employee with an annual gross salary under \$40,000 receives an increase of \$1,500. Salaries between \$40,000 and \$50,000 are increased by \$1,250. Salaries between \$50,000 and \$60,000 are increased by \$800. Salaries over \$60,000 are increased by \$600.

SB 234 eliminates the Oklahoma Compensation and Unclassified Positions Review Board. A state agency which is subject to the Merit System of Personnel Administration must receive approval from the Legislature to add unclassified positions or to reclassify current positions.

SB 198 requires all state agencies and political subdivisions to adopt a social networking and social media policy, which applies to the use of social media by state employees for work purposes. This social media policy must restrict or discourage abusive or offensive online behavior. The measure further shields the state, or a political subdivision of the state, from liability if a loss or claim results from any action undertaken in their discretion pursuant to this act.

SB 615 authorizes the Oklahoma Highway Patrol, Oklahoma State Bureau of Investigation and the Oklahoma Department of Corrections to require a one-year service commitment from individuals being trained for positions critical to public safety. An employee training for positions critical to public safety may be required to repay funds expended by the agency for the training if the employee fails to meet the service commitment.

HB 2121 requires notice to be published in an Oklahoma newspaper most likely to be seen by the owner before unclaimed property may be sold

by the state, if the owner's address is unknown or out of state. The measure authorizes the State Treasurer to deduct 25 percent of the value of funds accruing to the state under the Uniform Unclaimed Property Act to be used for payment of attorney fees. The bill exempts legal services used for locating property owner information from some competitive bidding requirements, and creates a petty cash fund for the use of the unclaimed property program. Finally, the measure requires personal information submitted by a claimant to be kept confidential.

SB 240 removes the requirement that a state agency use the State Travel Office within OMES to make travel arrangements.

SB 316 requires a state agency to report online any memorandum of understanding or memorandum of agreement with any other agency, department or any organization receiving appropriations, grants or contracts from the State of Oklahoma or any other state, or funds from the federal government. The agency must submit a copy of the memorandum to the chair of the appropriate legislative committee and the memorandum must cite the constitutional or statutory authority granted for the subject it addresses.

SB 585 requires OMES to notify a state agency if it changes a policy that will affect the agency. The agency may respond to that notice, prior to implementation of the policy, and request to be exempted from the policy or that it be changed. OMES is required to respond in writing.

HB 2746 creates a fund within OMES for the purpose of implementing digital transformation initiatives. The Director of OMES is required to submit monthly reports on expenditures from the fund and projects under consideration for future expenditures.

SB 583 directs OMES to begin a request for proposal for desktop and management systems support for all

state agencies currently provided by OMES.

SB 442 increases the record preservation fee collected by a county clerk from \$5 to \$10 for each instrument recorded.

SB 450 allows the board of directors of a cemetery association to set the date of the association's annual meeting.

HB 1114 allows the retainage amount on a public construction contract or subcontract to be reduced from 5 percent to 2.5 percent, if the contract is subject to a bond requirement, and at least 50 percent of the work has been completed.

HB 1391 clarifies that administrative officers employed by the Office of Secretary of State are in unclassified service.

SB 111 changes the day designated as Oklahoma Native American Day from the third Monday in November to the second Monday in October.

HB 1290 modifies the definition of a *qualified nonprofit agency for the severely handicapped* as it relates to the State Use Committee. The bill provides that at least 75 percent of the disabled persons employed must meet the definition of *blind person* as defined in Title 74 of the Oklahoma Statutes or the agency must be certified as a sheltered workshop by the U.S. Department of Labor.

HB 2618 requires a public body that collects personally identifiable data to make available on its website what data is being collected, how it is stored, and with whom the public body shares the information.

SB 75 updates the name of the division within the Department of Rehabilitation Services (DRS) that administers various programs related to services for the blind and visually impaired. The bill also deletes the requirement that the state library serving blind and physically handicapped persons adhere to certain national standards.

SB 76 updates the name of a division within the DRS as it relates to the limit on unclassified positions within the department.

SB 77 directs the Commission for Rehabilitation Services to adopt a personnel policy allowing instructional and administrative personnel, except superintendents, at the Oklahoma School for the Blind and Oklahoma School for the Deaf to be paid for unused personal leave.

SB 95 authorizes the Commission for Rehabilitation Services to accept any gifts or donations of money or property for the benefit of the Oklahoma School for the Blind and the Oklahoma School for the Deaf.

HB 2347 updates the powers and duties of the Oklahoma Lottery Commission (OLC) to allow the commission to inform the public about OLC contributions to Oklahoma education programs.

SB 94 replaces the position of the Oklahoma State Bond Advisor with a newly created position of Deputy Treasurer for Debt Management and updates statutory references to facilitate the transfer of duties to the new position. The Deputy Treasurer for Debt Management is under the authority of the State Treasurer.

SB 122 removes a requirement that state agencies submit office expansion plans to the State Governmental Technology Review Board for review. Instead, state agencies must submit telework documentation to the OMES any time an agency intends to lease or acquire real property.

SB 271 requires all state agencies to annually disclose and rank all federally affiliated funds, programs and priorities. Any agency receiving and administering federal funds that require any level of security clearance in order to administer received funds is exempt from the disclosure requirements.

SB 295 requires all bonds issued by the Oklahoma Capitol Improvement Authority (OCIA) to be submitted to the Attorney General for examination

and certification as a legal obligation of the state. With the certification, these bonds are incontestable in any court of the State of Oklahoma unless a lawsuit is filed contesting the bonds within 30 days from the date of approval by the Attorney General. The measure also repeals a similar section of law requiring the Attorney General to examine OCIA issued bonds within 10 days of the sell date.

SB 584 requires state agencies that are not consolidated under the Information Technology Consolidation and Coordination Act to undergo a third-party information security audit each year and submit the audit findings to the Information Services Division at OMES. Certain state agencies with approved cybersecurity standards are exempt from the requirements.

HB 2747 authorizes OMES to establish procedures to allow state agencies to contract for, incur and account for transaction-based fees, such as fees for accepting credits cards that may be processed by automated clearing house (ACH) debit. ACH debits for transactional fees are allowed to bypass the requirement for claim forms pursuant to the Oklahoma State Finance Act.

SB 1043 specifies how a portion of the funds appropriated to the Oklahoma State University Medical Authority (OSUMA) will be used. The measure stipulates that the OSUMA must

- Dedicate \$1.5 million for medical school certification;
- \$1 million to enhance physician recruitment; and
- \$29 million for the Graduate Medical Education Program, of which \$20 million will be used to construct a new building, which will also serve as the Tulsa location for the Board of Medicolegal Investigations.

HB 2758 provides legislative intent for the Board of Medicolegal Investigations to use \$5.5 million in FY 2020 appropriations along with \$4.5 million in agency carryover

funds for the purpose of constructing a new Tulsa facility in conjunction with the Oklahoma State University Center for Health Sciences.

SB 1024 repeals the Oklahoma American Civil War Sesquicentennial Commission.

HB 2773 modifies the allotment of space in the Capitol controlled by the House and Senate.

HB 2305 allows a person to file a claim on a public construction bond to recover a debt. If a prior claim was filed within one year of the day on which the labor was performed or material was furnished, any legal action to recover the debt must be filed within two years of that day.

SB 1041 merges duplicate sections of statute enacted during the 2018 legislative session.

SB 740 updates a statutory reference in one section of the Oklahoma Open Meeting Act.

HB 1292 designates the Rosette Nebula as the state astronomical object.

County Government

HB 1939 replaces the formula for determining base pay of county officers with a simplified pay range. The measure also requires certain increases to base salary to be approved by the board of county commissioners and provides that any changes in county officer pay are to take effect in January of the current fiscal year. Please refer to the table on the following page for more information.

SB 853 increases the travel allowance amount county officers may receive in lieu of reimbursement.

HB 1257 allows a county to contribute more than \$50 per pay period to an employee's deferred savings incentive plan by removing the cap on matching contributions.

SB 484 allows a lawsuit to be brought against a county by naming

Beginning in November 2019 any county's officers (Sheriff, Assessor, Commissioner, Clerk, Court Clerk, District Attorney, or Treasurer) may receive a base salary between \$19,000 and \$44,500. The specific base salary is set by either the board of county commissioners or the county budget board.

Before this change, the base salary range of county officers was determined by whether that county had approved the exemption of household goods and livestock from ad valorem taxation, as well as either the net tangible taxable property (in counties which have not approved the exemption) or the county's service-ability factor (calculated from revenue authorized to be collected for county purposes in counties with the exemption). The board of county commissioners would set a base salary in this range for all of a county's officers.

an individual county officer, if that officer is alleged to be liable.

SB 3 clarifies the applicability of a fee that may be charged by a county clerk for copies of electronic records.

SB 962 shields the state or a political subdivision from liability for damages resulting from the use of cattle guards or other devices used to impede the movement of animals on public roadways.

SB 590 empowers a board of county commissioners to approve a continuing education program for full-time county employees who have at least five years of service.

SB 400 allows a board of county commissioners to construct or maintain streets of a municipality with a population between 5,000 and 15,000 in a county with a population less than 150,000, as long as that municipality has passed a sales tax or fee with proceeds earmarked to street construction and improvement. The measure also clarifies the ability of county commissioners to construct or maintain streets in a municipality

HB 1939: County Officers

Net Tangible Taxable Property	Service-Ability Factor	Minimum Base Annual Salary	Maximum Base Annual Salary
\$40 Million or less	\$400,000 or less	\$19,000	\$39,000
\$40 Million to \$80 Million	\$400,000 to \$800,000	\$22,500	\$42,500
\$80 Million to \$300 Million	\$800,000 to \$3 Million	\$24,500	\$44,500
\$300 Million to \$600 Million	\$3 Million to \$10 Million	\$22,500	\$42,500
More than \$600 Million	More than \$10 Million	\$19,000	\$39,000

Source: Oklahoma Statute 19 O.S. § 180.62 and 19 O.S. § 180.74

if the county's population is over 150,000. See the map on the following page.

SB 164 allows a board of directors for a fire protection district to increase its size to either seven or nine members in order to ensure geographic and population representation. The measure also:

- Allows voters to add members to a board of directors by petition;
- Requires members' terms to be staggered so that no more than two members' terms expire in a year;
- Requires a fire protection district with more than two full-time firefighters to employ a full-time fire chief to supervise and administer the district; and
- Establishes a way to annex territory that is in another county but adjacent to the existing district.

Finally, if a municipality wishes to annex a portion or all of a fire protection district, the delivery of fire protection services must meet or exceed levels and standards as provided by the district, and requires a majority vote of fire protection district members.

HB 2161 prohibits a paid firefighter employed by a fire protection district from being a director of that district. The measure also authorizes the board of directors for a fire protection district to regulate outdoor burning.

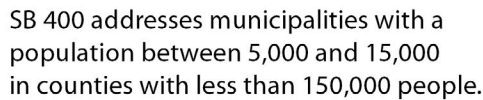
SB 844 increases the maximum contribution percentage allowed to a retirement fund for county employees. The measure increases the combined employer and employee retirement contribution rate from 16.5 percent of an employee's salary to 18.5 percent effective July 1, 2019.

SB 708 allows a city council or board of trustees for a city to designate personnel who have been issued a handgun license pursuant to the Oklahoma Self-Defense Act to attend an armed security guard training program or a reserve peace officer certification program. Participation by the personnel is voluntary. The governing body may also pay the costs for attending the training program and any employee who completes the training program is immune to civil and criminal liability arising from an injury related to firearms on city property.

Municipal Government

SB 589 empowers the Oklahoma Association of Chiefs of Police, upon

SB 400 | Road Maintenance



- Eligible cities (33)

☐ Counties

20-0644 House GIS Services
Source: 2010 Census

receipt of a complaint or reasonable cause to believe the agency has failed to comply with safety and liability standards, to conduct compliance reviews of local law enforcement agencies. In the event of a failed compliance review, an agency has six months to come into compliance. Failure to comply within six months will result in the association notifying the chief elected official of the agency's governing body and its liability insurance company.

HB 1516 requires members of a municipal governing body to reside in their respective wards at the time of their candidacies and elections, but allows a council member to retain their seat for the term to which they were elected if ward boundaries

change or they move from one ward to another.

HB 2119 clarifies the method for determining signature requirements for municipal initiative petitions. A petition must be signed by a number of registered voters equal to 25 percent of the total number of votes cast in the most recent general municipal election. The bill further clarifies that the *total number of votes* cast means the sum of the votes cast for all candidates in the highest-ranking at-large municipal race on the ballot.

HB 2518 extends, from 40 years to 50 years, the maximum length of the primary term of a contract, lease or other arrangement for facilities or services at a municipal airport.

SB 881 requires a telecommunications provider to provide notice to all political subdivisions in its service area before beginning service.

HB 1428 authorizes a municipality to save or produce receipts for fees, fines and forfeitures in electronic format, and eliminates a requirement that duplicate copies be stored.

HB 2666 establishes certain requirements and criteria for selection of a construction manager by a political subdivision of the state. The measure also requires the State Facilities Director or the construction manager to publicize subcontracting and supply opportunities.

SB 733 removes a requirement that a municipal building and construction inspector be employed

by the municipality. An independent contractor may be recognized by a political subdivision to perform the work of a building and construction inspector.

Elections and Ethics

HB 1259 allows a voter to take a picture of his or her marked ballot, or marked absentee ballot, and share or distribute it. The bill makes it a misdemeanor:

- To share an image of a marked ballot in order to intimidate or coerce another voter, or
- For any person with authority or influence over another to require that individual to share an image of his or her marked ballot.

SB 496 provides that a person who is at least 17 years and 6 months of age may submit a voter registration application, which will become effective on his or her 18th birthday.

SB 58 allows employees to take up to two hours to vote on days in which in-person absentee voting is allowed. The measure also requires employees to notify their employer at least three days in advance of the election or day of in-person absentee voting.

SB 59 requires a petitioner requesting a recount of the ballots cast in an election, or his or her representative, to be present, and remain in attendance, when the district court judge calls the proceedings to order. If neither individual is present, the recount will not be conducted and the deposit will be forfeited by the petitioner.

HB 1070 requires the Governor to issue a Writ of Election upon a vacancy occurring in an Oklahoma congressional seat, unless the vacancy occurs in a United States Senate seat in an even-numbered year and the term of office expires the following year. If the vacancy occurs in a House seat in an even-numbered year, the Regular Primary Election, Runoff Primary Election or General

Election for that office will be deemed to also serve as the Special Election.

SB 444 establishes a single election board framework for all counties, eliminating the distinction between smaller and larger counties. The secretary of a county election board is authorized to employ an assistant secretary as needed, and the position of chief clerk is eliminated. Precinct election boards are to be comprised of three officials per precinct: a judge, a clerk and an inspector. The holder of one of those positions must be from the largest political party in the state and one from the second largest. The measure further requires proposed changes to precinct boundaries to be presented at a public meeting and approved by the county election board. Lastly, the bill permits a polling place to be located outside the boundaries of a precinct, subject to rules and procedures established by the State Election Board.

SB 261 authorizes the Secretary of the State Election Board to direct the secretary of a county election board to conduct a post-election audit of election results, with the findings being made available to the secretary and the public. Other provisions of the measure:

- Authorizes the secretary to employ security measures necessary for the protection of voting devices, election and registration systems, and related software and networks;
- Requires the county commissioners of each county to implement equivalent security measures at the county election board as those in place at other county agencies;
- Creates a felony crime for accessing or tampering with any part of an election-related system of the State or county election board; and
- Modifies the circumstances under which the secretary can declare an election emergency.

SB 393 allows a limited committee affiliated with an incorporated not-for-profit membership organization to solicit contributions from shareholders, directors, executive and administrative personnel and their families without consent of the member corporation.

SB 394 allows a substitute candidate's name to be placed on the General Election ballot if a deceased person receives a political party's nomination for office.

SJR 22 disapproves certain proposed amendments to Ethics Commission Rules, including the prohibition on former elected state officers and agency directors serving as a lobbyist or legislative liaison for two years following their service to the state. The map on the following page shows states that do not have the so-called "cooling off" period.

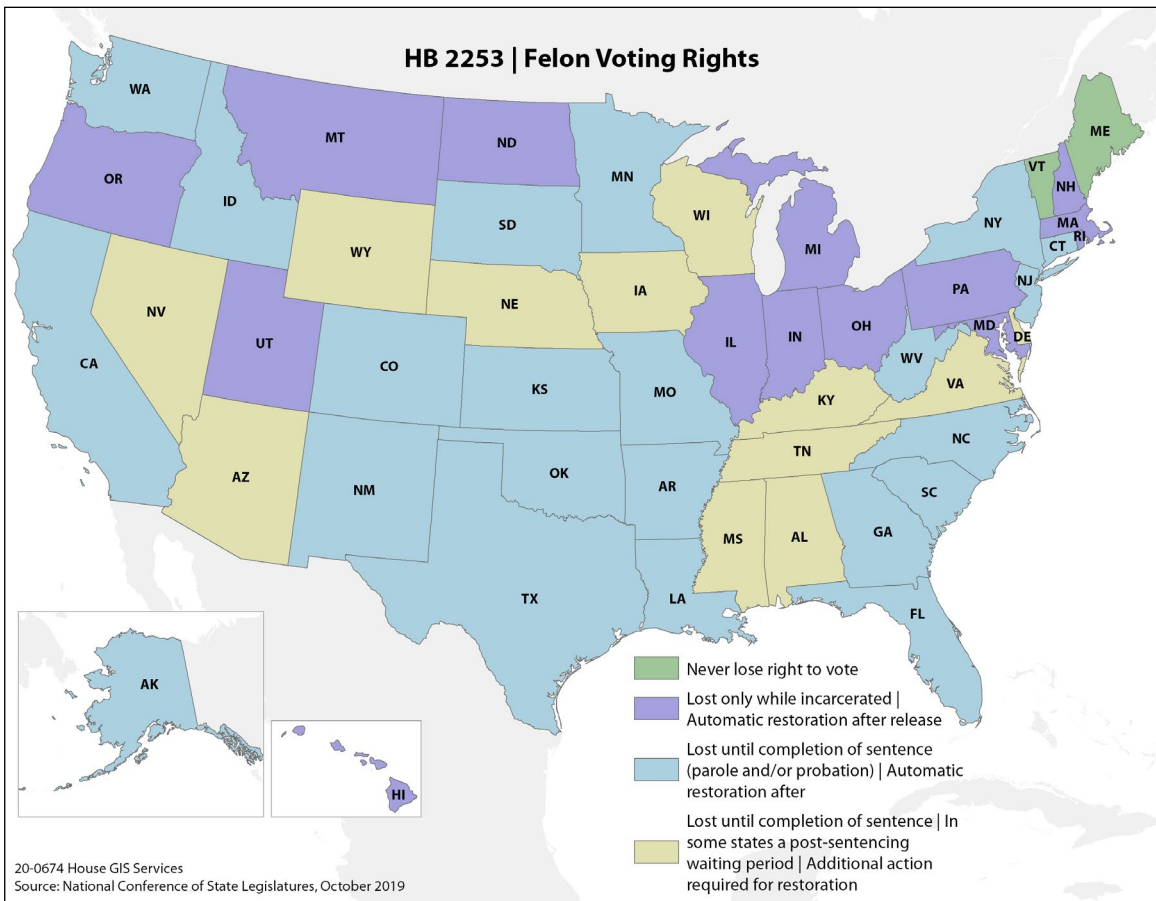
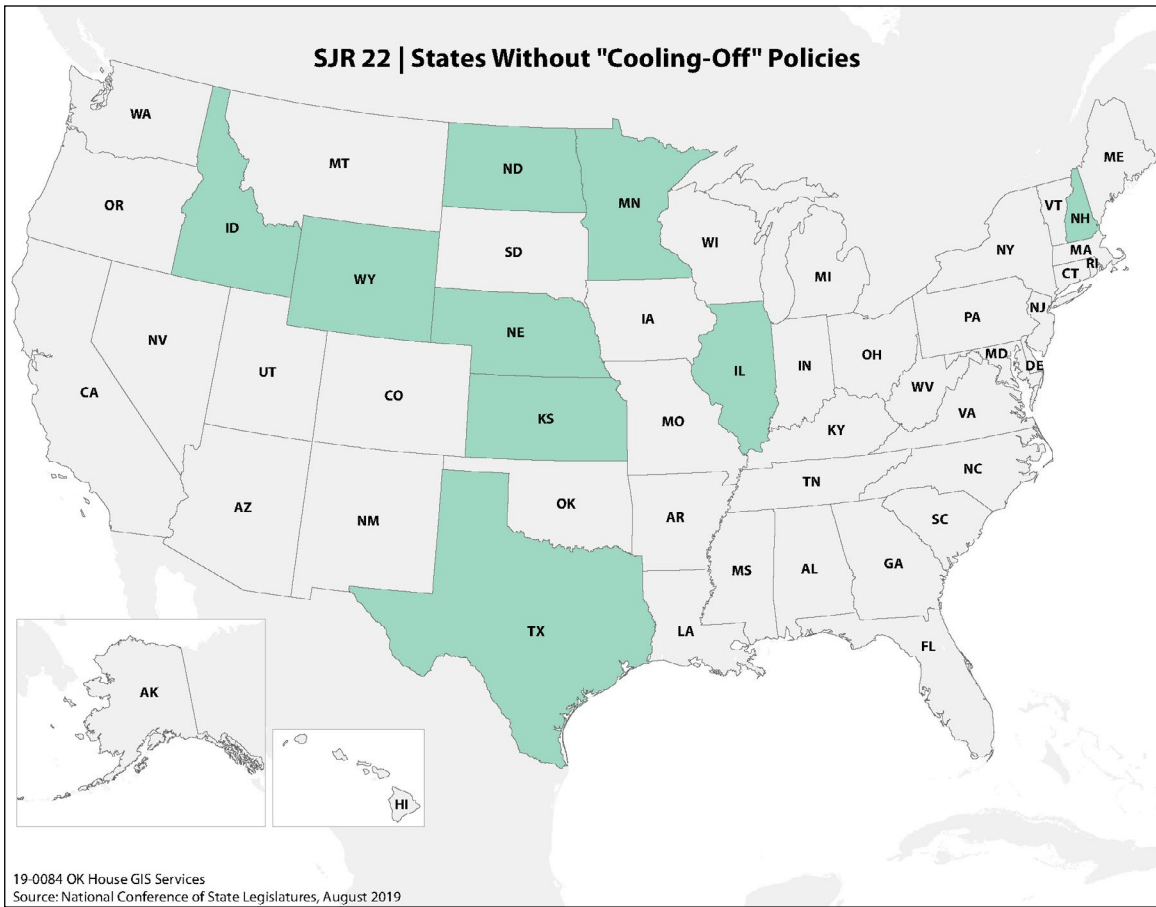
HB 2745 establishes an annual cap of \$150,000 in fees collected by Ethics Commission going to the Ethics Commission Fund with all remaining collections to be deposited into the General Revenue Fund.

HB 2253 clarifies that persons convicted of a felony will be eligible to register to vote when they have finished serving their sentence of court-mandated calendar days, including any term of incarceration, parole or probation. The map on the following page shows felon voting rights across the country.

Pensions and Retirement

After numerous years of reforms, the funded ratios for all state pension systems had rebounded significantly. Many changes from the 2019 session were IRS technical updates, statutory clarifications and amendments to provide more flexibility for certain members.

To increase the number of volunteer firefighters in the state, **HB 2051** allows retired firefighters to perform firefighting services and continue to receive a pension from the Oklahoma



Firefighter Pension and Retirement System (OFPRS).

HB 1246 allows a retired member of the Oklahoma Teachers' Retirement System (OTRS) who becomes employed by the State Department of Education for the first time on or after November 1, 2019, to have the option to remain a member of OTRS subject to any applicable postretirement limitations, or choose to participate in the Oklahoma Public Employees Retirement System as an active member.

SB 772 updates references and clarifies language relating to the OTRS. The measure changes the sequence for benefit payments upon the death of a retired member by providing that the benefit payment is to be made to a joint annuitant if he or she is still living, a beneficiary if the joint annuitant is deceased or to the member's estate if there is no surviving joint annuitant or beneficiary. Lastly, the measure clarifies the categories of education employees that are eligible for a retirement contribution credit that is based on years of service and ranges from \$60.15 for 0 years of service to \$1,410.53 for 24 years or more of service.

HB 2269 updates the formula for computing actuarial present value, as it relates to OFPRS, to conform to the IRS code and updates references to the dollar limit for a probate waiver when a member of the system dies and their heirs file a claim for payment of death benefits. The waiver limit currently provided in law is \$50,000.

The measure also changes the distribution procedures for any lump sum death benefit for members of the Oklahoma Police Deferred Option Plan, by providing that the account balance of the participant is to be distributed first to a named beneficiary. If no beneficiary is named, the death benefit goes to the surviving spouse who was married to the participant for 30 continuous months immediately preceding the death of the participant. However, if the participant died in the line of duty, the surviving spouse is exempt from the 30-month marriage requirement for survivor benefits. If there is no named beneficiary or surviving spouse, the death benefit goes to the estate of the participant. The bill also allows a successor in interest to be a named beneficiary for benefit payments payable upon the death of a retired member or beneficiary of the Oklahoma Police Pension and Retirement System. Finally, the measure requires the Council on Law Enforcement Education and Training to give the Oklahoma Police Pension and Retirement Board a list of actively employed police officers under the purview of the council.

SB 844 increases the maximum contribution percentage allowed to a retirement fund for county employees. The measure increases the combined employer and employee retirement contribution rate from 16.5 percent of an employee's salary to 18.5 percent effective July 1, 2019.a

HB 2768 repeals the Oklahoma Pension Stabilization Fund.

Administrative Rules

HJR 1022 is the omnibus proposed permanent rule approval/disapproval measure required by law. The measure disapproves:

- Proposed Oklahoma Department of Wildlife Conservation permanent rules OAC 800:25-24-1, 800:25-24-3 relating to the import of cervids;
- Proposed Oklahoma Department of Wildlife Conservation permanent rules OAC 800:25-42-1 and 800:25-42-2 relating to chronic wasting disease response; and
- Proposed State Board of Pharmacy permanent rules OAC 535:15-5-7.2 and 535:15-13-5 relating to supervision of pharmacy technicians.

SB 1026 subjects the Reentry Policy Council to the provisions of the Oklahoma Sunset Law. The measure sunsets the Council on July 1, 2020.

SB 1027 establishes a sunset date of July 1, 2022, for the Department of Environmental Quality advisory councils:

- Water Quality Management Advisory Council;
- Hazardous Waste Management Advisory Council;
- Solid Waste Management Advisory Council; and
- Radiation Management Advisory Council. ■

Sunset Review

Legislation	Entity	Extension Date
HB 1434	Oklahoma Abstractors Board	2020
HB 1435	Oklahoma State Athletic Commission	2021
HB 1436	Commission on County Government Personnel Education and Training	2020
HB 1437	State Board of Behavioral Health Licensure	2023
HB 1438	Board of Examiners for Speech-Language Pathology and Audiology	2021
HB 1439	State Board of Medical Licensure and Supervision	2024
HB 1440	Advisory Committee on Podorthotics	2021
HB 1441	Advisory Committee on Orthotics and Prosthetics	2021
HB 1442	State Board of Examiners of Perfusionists	2021
HB 1443	Polygraph Examiners Board	2020
HB 1444	State Board of Examiners of Psychologists	2023
HB 1445	State Board of Osteopathic Examiners	2024
HB 1446	Board of Podiatric Medical Examiners	2021
HB 1447	State Capitol Preservation Commission	2020



Health & Human Services

The Legislature took action on a number of high-profile policy concerns within the health and human services realm this session, including: authorizing the practice of optometry in retail establishments; creating a fund to act as a buffer for Medicaid reimbursement rates in case the federal share is reduced; establishing mental health loan repayment program to encourage practitioners to serve in health professional shortage areas; adding additional protections for seniors and vulnerable adults; and directing additional funding to reduce the Developmental Disability Services Division Waiting List.

Health

In response to the ongoing opioid crisis, **SB 848** updates education requirements and reporting procedures for healthcare providers and state agencies tasked with regulating Schedule I and II drugs. The measure modifies continuing education requirements for licensees of the State Board of Medical Examiners with prescribing authority by requiring at least two hours in pain management or two hours in opioid use and addiction. Dentists are required by the measure to take three hours in pain management or three hours in opioid use and addiction. Physician assistants, optometrists, osteopaths, and veterinarians are required to take one hour on pain management or one hour on opioid use and addiction.

The measure removes language allowing the board to review a physician's prescription practices with regards to prescribing opioids in excess of the maximum dosage and provides that failure of a registrant to access and check the central repository may be grounds for the licensing board of the registrant to take disciplinary action. Any expert testifying against a licensee must be a board-certified physician practicing the specialty of the licensee named in the complaint.

The measure directs pharmacists to fill a prescription for a Schedule II opioid prescription to the specified dose in the prescription order. Unless a prescribed opioid or pain treatment is classified as a Schedule II drug, the measure strikes the requirement for the prescription to be capped at a seven-day supply and does not require a pain management prescription to be written at the lowest effective dose. The measure outlines acceptable circumstances wherein a Schedule II opioid drug may be prescribed for pain.

The measure directs the Insurance Department to study the effects of restricting opioid prescriptions on the claims paid by health insurance carriers and the out-of-pocket costs. The department must complete and submit the report to the standing health committees in the Senate and House no later than January 1, 2021.

The Oklahoma State Bureau of Narcotics and Dangerous Drugs is to report to the relevant standing House

and Senate committees regarding the use of the central repository, continuing education requirements, number of patients taking more than 100 morphine milligram equivalents and data regarding the total quantity of prescribed morphine milligram equivalents.

After the failure of SQ 793, which would have allowed optometrists and opticians to operate within retail establishments, stakeholders worked together on a compromise. **SB 100** relates to optometrists and vision care. The measure:

- Allows optometrists to rent separate space near or within a retail store and prohibits any contract between the store and the optometrist that determines rent based on gross revenue generated by the optometrist. The measure also allows retail stores to sell optical goods. These provisions will become effective in phases based on county population;
- Imposes regulations on the use of virtual technology to conduct eye examinations by requiring interaction between the licensed optometrist and patient that adheres to Health Insurance Portability and Accountability Act (HIPAA) protections. A person may only utilize virtual eye examination technology if they have received an in-person eye examination within the last 24 months;

- Provides requirements for visual glasses and contact lens prescriptions, including requiring contact lens prescriptions to be valid for a minimum of 12 months;
- Requires contact lens and glasses sellers to verify prescriptions with the prescribing optometrist prior to mailing optical goods to an Oklahoma resident. Optometrists will not be liable for any damage resulting from the packaging or manufacturing of the optical goods; and
- Authorizes the Oklahoma State University College of Osteopathic Medicine to conduct eye examinations for compensation.

Implementation of SB 100 based on 2010 Census data:

Population Size	Implementation Period	Counties Affected
300,000 or more	2019-2024	Oklahoma, Tulsa
130,000 or more	2024-2029	Oklahoma, Tulsa, Cleveland
100,000 or more	2029-2036	Oklahoma, Tulsa, Cleveland, Canadian, Comanche
50,000 or more	2036-2042	Oklahoma, Tulsa, Cleveland, Canadian, Comanche, Creek, Garfield, Grady, Le Flore, Muskogee, Payne, Pottawatomie, Rogers, Wagoner, Washington
Any	2042-	All counties

HB 2767 appropriates \$29 million into the newly created Rate Preservation Fund within the Oklahoma Health Care Authority (OHCA) for the purpose of maintaining Medicaid reimbursement rates for providers in the event Oklahoma's Federal

Medical Assistance Percentage (FMAP) decreases.

SB 614 requires a facility and/or physician that performs medication abortions using Mifepristone to

Conspicuously post a sign that informs women that the drug is not always effective in ending a pregnancy and that it may be possible to reverse the effects of the drug if the second dose is not taken;

Inform the woman at least 72 hours prior to the procedure that it may be possible to reverse the effects of the drug, except in the case of a medical emergency; and

Provide written instructions to the woman following the initial dose of the drug that it may be possible to reverse the effects of the drug and where to get help.

The measure makes it a felony for any person to perform a medication abortion using Mifepristone knowingly or recklessly in violation of the provisions of the act, and provides for the assessment of a \$10,000 fine on a facility that knowingly fails to post the required signage.

HB 2591 creates the Defunding Statutory Rape Cover-Up Act and

prohibits reimbursement through Medicaid, or any other federal or state program to a provider of pregnancy-related services, if that provider has been found by a court to have failed to report statutory rape or to an entity that failed to report statutory rape of an underage patient, when the perpetrator was later convicted of abuse. The measure allows a provider that was found ineligible for reimbursement to reapply after five years upon showing that procedures are in place for reporting incidents to law enforcement. Finally, the OHCA is directed to adopt rules for the investigation of complaints against a provider.

SB 1019 allows pharmacists to dispense devices or medications to a patient without a prescription in order to prevent the death of, or serious harm to the health of, the patient if:

- There is a current record of a prescription for the medication or device in the name of the patient requesting it;
- The prescription has expired and a refill requires authorization;
- Records indicate that the patient has been on consistent medication therapy;

Medicaid is jointly funded by the state and federal government. The Federal Medical Assistance Percentage (FMAP) determines the federal government's share of the costs of the program and is calculated based on a state's per capita income relative to the U.S. per capita income so lower income states receive a higher Federal reimbursement. FMAP has a statutory minimum of 50 percent and maximum of 83 percent. Oklahoma's rate for FY 2020 is 66.02 percent.

An enhanced FMAP (E-FMAP) is calculated to determine the federal government's share of the Children's Health Insurance Program. It is calculated by reducing the state under the regular FMAP rate by 30 percent. Oklahoma's E-FMAP for FY 2020 is 87.71 percent.

Sources: Congressional Research Service, Kaiser Family Foundation

- The amount of the medication or device dispensed is for a reasonable amount of time; and
- The medication or device, excluding controlled dangerous substances, is listed on the inclusionary formulary to be developed by the State Board of Pharmacy.

The measure also provides that a pharmacist who, in good faith, dispenses a medication or device to a patient pursuant to these provisions is immune to civil liability and not subject to criminal prosecution.

SB 108 requires the individual completing the cause of death on a death certificate, who knows that a lethal drug, overdose or other means of assisting suicide caused or contributed to the death, to reflect that on the certificate and indicate “suicide” as the manner of death. The bill also specifies that knowingly omitting such information will be deemed unprofessional conduct and that the provisions of this measure will not alter the confidentiality of death certificates.

HB 1175 provides that a funeral director, within 60 days of the issuance of a death certificate, can request the correction of information in a death record, except the medical certification portion. The funeral director will be responsible for all amendment fees imposed by the Commissioner of Health for the correction. Finally, up to 10 certified copies containing the erroneous information can be exchanged for certified copies with the correct information at no additional cost.

SB 1049 stipulates that the members of the University Hospitals Authority (UHA) serve at the pleasure of their appointing authority and provides that the authority may:

- Hire architects and construction managers;
- Adopt policies for the disposal of surplus property;

- Approve the demolition of any building it owns that is no longer suitable for the purposes for which it was built, and when renovation of the building is not economically justifiable; and
- Retain in its disbursing fund, revenues earned and donations received.

Further, the bill authorizes the University Hospitals Trust to contract with a joint operator or foundation supporting the programs of Children’s Hospital to sell naming rights to property owned or leased by the trust when the proceeds will be used to further the purposes of the UHA.

SB 156 adds to the minimum standards for the development of a statewide trauma system to include minimum requirements for data collection for responses to time-sensitive medical conditions and provides that the responses to stroke and ST-Elevated Myocardial Infarction will be subject to review by regional trauma advisory boards. The measure also provides that meetings of the advisory boards are not subject to the Oklahoma Open Meeting Act.

HB 1055 directs the Oklahoma State Department of Health to create a permit for unattended food establishments. Permit fees may not exceed \$150 per year. Unattended food establishments must:

- Be located in the interior of a building;
- Only provide food that is packaged and labeled as defined by the Food and Drug Administration;
- Only provide food and beverages for individual sale; and
- Obtain an Oklahoma sales tax permit before conducting any sales.

HB 1089 extends the termination date of the supplemental hospital offset payment program fee from

December 31, 2020, to December 31, 2025.

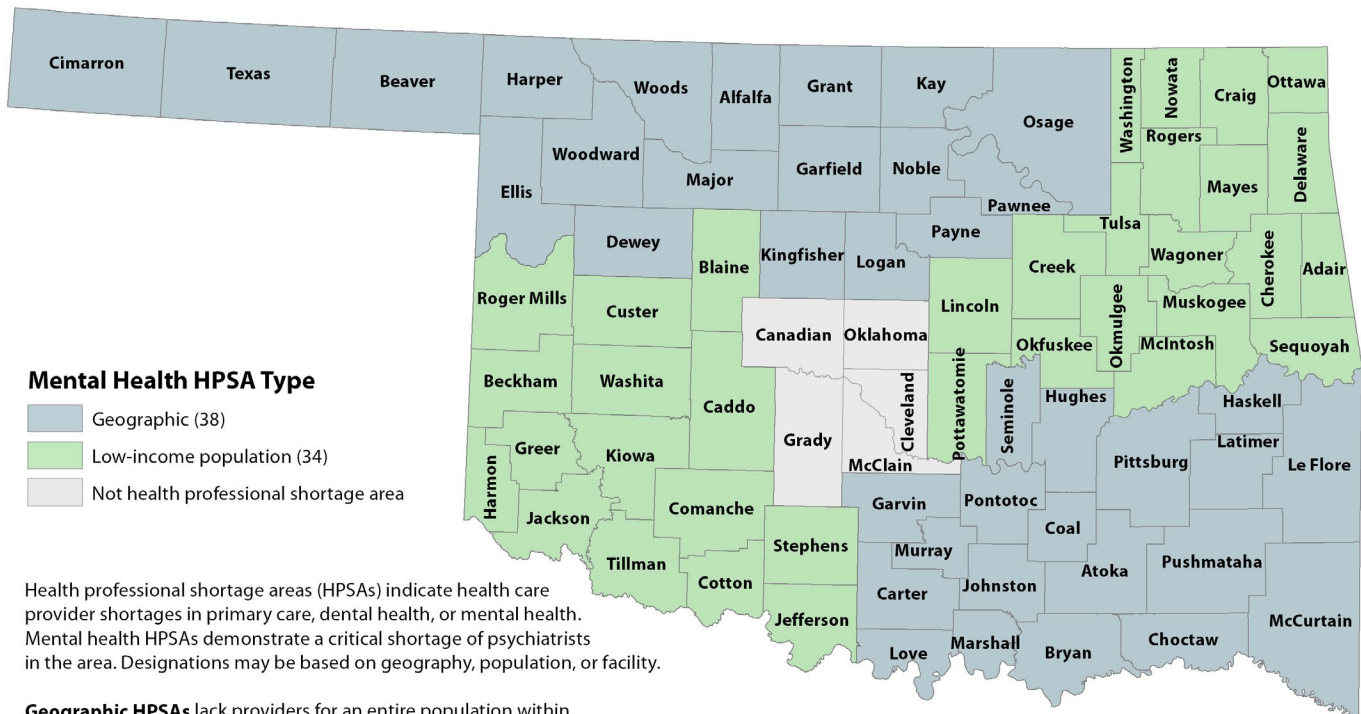
HB 2334 creates the Maternal Mortality Review Committee for the purpose of developing and coordinating a system of health services to decrease maternal mortality. Duties of the committee include reviewing cases of pregnancy-related maternal deaths of women in Oklahoma; reviewing the probable cause of death and identifying contributing factors; and identifying gaps in available health care services, transportation and financial resources. The measure directs the State Department of Health to provide staff support for the committee and empowers the Commissioner of Health to subpoena, if necessary, the production of any records that contain evidence that the committee believes to be relevant.

SB 220 requires physicians who diagnose or treat cases of a sexually transmitted infection (STI) and managers of hospitals and correctional facilities in which there is a case of an STI, to report the case immediately to the director or designee of the city-county health department if in Oklahoma or Tulsa County, or directly to the Commissioner of Health. Further, the measure requires that this process remain in place until the State Department of Health has a disease reporting process that provides for a direct report from a medical facility to the local health department.

Mental Health

SB 773 creates the Oklahoma Mental Health Loan Repayment Act to be administered by the Oklahoma Department of Mental Health and Substance Abuse Services. Subject to the availability of funding, the program will provide educational loan repayment assistance for mental health and substance use disorder treatment providers in health professional shortage areas (HPSAs) for mental health, which are shown on the map on the next page. Funds

SB 773 | Mental Health Care Professional Shortage Areas



20-0467 House GIS Services
Source: U.S. Health and Human Services, August 2019;
OK State Department of Health, September 2018

may be awarded after completing one year of service for up to five years. Providers must ensure that at least 25 percent of their patients are Medicaid recipients and/or uninsured.

SB 629 repeals a section of law authorizing the Board of Mental Health and Substance Abuse Services to approve a standard medication fee for participation in an opioid substitution program and to remove a person from a program if they fail to participate in counseling.

HB 1280 allows licensed mental health professionals to offer alcohol and drug substance abuse course assessments. The measure clarifies the definition of *assisted outpatient* to include a person who has received inpatient treatment at a community-based crisis center.

Health Professions

HB 2351 enacts the Interstate Medical Licensure Compact and authorizes the Governor to enter into compact with other states. The purpose is to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provide a streamlined process to allow physicians to become licensed in multiple states.

HB 2571 authorizes the State Board of Medical Licensure and Supervision to require applicants for initial licensure pursuant to the Physical Therapy Practice Act to submit a full set of fingerprints and to conduct state and national criminal history checks.

SB 81 provides that information obtained during an investigation into possible violations of the Oklahoma Nursing Practice Act is confidential, but will become public record if introduced by the state in an administrative proceeding before the Board of Nursing.

SB 419 requires licensed health care professionals that provide pre- and post-natal care to women and infants, and hospitals that provide labor and delivery services, to provide education to women and, if possible, their families about perinatal mental health disorders.

SB 603 modifies the State Dental Act by:

- Listing specific clinical skills for dentists and dental hygienists

that must be covered in a regional exam approved by the Board of Dentistry;

- Increasing, from four to six, the maximum number of times per year that the Board of Dentistry can meet;
- Providing that an otherwise qualified military veteran or active duty military spouse is eligible to receive a temporary license to practice dentistry or dental hygiene;
- Establishes criteria by which a dental assistant who holds an out-of-state dental assistant permit with expanded duties can apply for credentialing and reciprocity in Oklahoma and provides for a new permit fee;
- Adding to the list of occurrences for which the board may impose penalties on a dentist to include: being found guilty of a violent crime, insurance fraud, identity theft, embezzlement or any crime that requires an individual to register as a sex offender; violating any law or rule regarding scheduled drugs; failure to complete a two-hour course on opioid and scheduled drug prescribing within one year of licensure; and
- Authorizing the board to issue a summary suspension on a licensee or permit holder who is found guilty of a felony and sentenced to incarceration.

SB 806 authorizes advance practice registered nurses to refer patients to physical therapy.

SB 876 authorizes the State Board of Medical Licensure and Supervision to hire a physician to serve as medical advisor to the board in lieu of appointing the board secretary as the advisor.

Other provisions of the measure include:

- Directs the board to adopt rules specifying the requirements for

re-registration as an allopathic physician and establishes a fine up to \$1,000 for failure to meet the requirements;

- Requires the board to set a meeting within 30 days of service of a citation in which the physician disputes allegations in the complaint;
- Authorizes the board to promulgate rules to create administrative remedies for licensee violations of prescribed unprofessional conduct;
- Authorizes the board Secretary to issue a nondisciplinary administrative fine of up to \$1,000 in cases of unintentional misrepresentation on a licensure application;
- Updates the circumstances constituting unprofessional conduct; and
- Provides that any licensee or applicant for licensure is deemed to have given consent to any board investigator to inspect the records and facilities of the licensee.

SB 1038 modifies the Occupational Therapy Act by providing that these services can be delivered via telehealth. The bill also deletes the limits on licensure fees for occupational therapists.

HB 1057 enacts the Psychology Interjurisdictional Compact which regulates the provision of psychological services across state lines using telecommunication technologies. The compact also regulates temporary in-person practice of psychology across state lines for up to 30 days in a calendar year, and authorizes state psychology regulatory authorities to recognize psychologists located in another state.

HB 2195 requires the Oklahoma Tax Commission to notify any psychologist who is not in compliance with state income tax laws that the commission will garnish wages

to collect any delinquent tax and penalty or interest due.

Miscellaneous Health

HB 2053 modifies the list of individuals who can view or receive a copy of a birth certificate by excluding a parent named on the birth record who is incarcerated.

HB 2285 deletes certain specified quality indicators that have to be approved by the Oklahoma Hospital Advisory Council and deletes the requirement that the council publish an annual report of hospital performance.

HB 2341 updates obsolete terms in various sections of statute and directs that the state Medicaid program not contract with an out-of-state medical provider for treatment that is available from a provider in Oklahoma when possible and requires the Oklahoma Health Care Authority (OHCA) to seek federal approval necessary to fulfill this requirement.

HB 2517 authorizes the Commissioner of Health to require general acute care hospitals, and other sources as necessary, to make available to the State Health Department the electronic medical records of patients who have been diagnosed with birth defects or had poor reproductive outcomes.

HB 2736 repeals the requirement that the Oklahoma State Department of Health submit to the Legislature a corrective action report leading to greater financial controls at the agency.

SB 73 increases, from 10 to 15, the maximum number of full-time equivalent employees that the Oklahoma State Board of Pharmacy is allotted and increases, from 30 to 35, the number of full-time equivalency positions allotted to the Oklahoma Board of Nursing.

SB 275 establishes a process for obtaining a judicial record of death when a death certificate is required to

settle a property or financial interest for a person who allegedly died in Oklahoma 25 years ago, or longer, and for whom no death certificate can be found on file with the State Registrar of Vital Statistics.

SB 284 requires all hospitals and medical facilities to maintain a written policy for the disposition of the remains of a child from a stillbirth or fetal death event. The measure also directs that the hospital notify a parent of the child that he or she has the right to direct the disposition of the remains within 14 days after delivery.

SB 388 authorizes certified nurse aides to assist medically stable patients with the self-administration of regularly scheduled medications upon the request and written informed consent of a patient or patient's surrogate.

SB 443 requires facilities that perform mammography examinations to send a summary of the mammography report to the patient via email if requested.

SB 448 authorizes the State Commissioner of Health to authorize the issuance of an identification card or document to identify a law enforcement officer or agent as another person for the sole purpose of aiding in a criminal investigation or a military or intelligence operation.

SB 1018 prescribes specific standards for stretcher vans and authorizes them to carry and provide oxygen to passengers.

Seniors and Long-Term Care

SB 280 directs OHCA to modify its incentive reimbursement rate plan for nursing facilities to one that focuses on improving resident outcomes and quality of life. OHCA is required to establish an advisory group consisting of consumer, provider and state agency representation to recommend quality measures to be included in the pay-for-performance program and provide ongoing feedback.

Initially, the program will be based on improvements in the percentage of long-stay, high-risk residents who develop pressure ulcers, lose too much weight, develop a urinary tract infection or receive an antipsychotic medication.

Other provisions of the bill include:

- Increasing by five the number of long-term care ombudsmen employed by Department of Human Services;
- Increasing the personal needs allowance for residents from \$50 to \$75 per month;
- Authorizing facilities, beginning January 1, 2020, to implement 24-hour-based staff scheduling;
- Prohibits nursing facility administrators from being included in the direct-care staff to resident ratio; and
- Beginning January 1, 2020, requiring clinical nursing facility employees to receive at least four hours of Alzheimer's or dementia training per year.

SB 888 defines the *Program of All-Inclusive Care for the Elderly* (PACE) as a full risk-bearing program that provides comprehensive health services for individuals 55 years of age and older who are deemed nursing-home eligible by the Medicaid program. PACE will be reimbursed on a fixed per-member, per-month rate and will provide all health services, including transportation. The bill also requires that:

- Persons 55 years of age and older, or their representative, receive options counseling prior to admission to a nursing facility, unless it is an emergency admission, in which case the options counseling must be provided within 14 days of admission;
- Persons who live within a PACE service area receive information about the program as a part of the options counseling; and

- Current nursing facility residents, or their representatives, be given the opportunity to receive options counseling.

SB 142 prohibits long-term care facility residents from being given an antipsychotic drug that was not already prescribed to the resident prior to admission with the following exceptions:

- In an emergency in which the resident poses a risk to him/herself or others;
- The resident has been examined by the prescribing clinician, diagnosed with a psychiatric condition, and the medication prescribed is recognized by the FDA for treating that condition;
- A prescribing clinician has unsuccessfully attempted to accomplish a drug's intended effect, or has deemed that using that drug is not appropriate for the patient, and documented such in the resident's medical record; and
- The facility has provided the resident, or representative, with a written explanation of applicable informed consent laws and that consent has been obtained.

If a resident is prescribed an antipsychotic medication in an emergency situation, the prescription must be for the minimum dosage and duration that is prudent for the resident's condition.

SB 201 adds a definition of *personal degradation* to the Protective Services for Vulnerable Adults Act to mean a willful act by a caretaker to degrade, humiliate or harm the personal dignity of a vulnerable adult, or when the caretaker knew, or reasonably should have known, the action would cause harm to the personal dignity of the vulnerable adult.

SB 435 requires all Adult Protective Services specialists employed by DHS to receive training in recognizing

individuals with cognitive impairment and effective interventions in cases involving abuse and exploitation of persons with dementia.

SB 333 requires the individual making a health care decision on behalf of an unconscious or incompetent patient to sign a statement certifying that he or she has not been found to have abused, neglected or exploited a vulnerable adult, or been charged with a crime resulting in the death or near death of a vulnerable adult. The statement must be entered into the patient's medical record and no health care provider can be held liable for acting in good faith regarding the health care decision made for the patient.

HB 1911 reduces, from five to three, the number of years' experience a long-term care facility administrator must have to be eligible to serve on the State Board of Examiners for Long-term Care Administrators. The bill maintains the five-year requirement for nursing facility administrators in order to serve on the board.

Children, Youth and Families

SB 1055 specifies how some of the funds appropriated to DHS will be used by directing that:

- \$2 million be used to reduce the Developmental Disabilities Services Division Waiting List;
- The provider rates for Aging Services Division and Developmental Disabilities Services Division programs be increased by 4 percent; and
- \$6 million be used to fully fund the senior nutrition program to not less than the FY 2019 level.

HB 1036 prohibits a parent who has had his or her parental rights terminated from being appointed to serve as the child's guardian. The bill also prohibits the DHS from considering any parent who has had his or her parental rights terminated to act as a guardian for a child in the department's custody.

HB 2270 provides that a proceeding seeking to disprove the father-child relationship can be held at any time prior to the child's 18th birthday, if the court determines that the mother committed fraud. If the court determines that genetic testing should be ordered, the cost will be paid by the individual challenging paternity. If the court issues an order of nonparentage, the noncustodial parent has no right to reimbursement for support paid under a child support order.

SB 722 adds a requirement that a child welfare records search conducted by DHS be performed for any person applying to become a court-appointed special advocate or employee of a local program.

HB 1074 requires DHS to verify the applicability of the Indian Child Welfare Act within three months of a child, to whom it might apply, being taken into custody. The department is also required to conduct a nationwide relative search within three months of a child being taken into custody, for the purpose of identifying a fit and willing relative with whom to place the child.

HB 1075 requires that every child taken into DHS custody be provided, within 21 days, an assessment of his or her physical, medical, mental health and educational needs for the purpose of developing placement and service plans for the child. The bill also requires the assessment be updated at regular intervals while the child is in the department's custody.

HB 1273 authorizes counsel for DHS to represent the interests of the state involving a child in the permanent legal custody of the department, with the consent of the district attorney. The measure expands the conditions under which a child who is at least 14 years of age can request the court to reinstate the previously terminated parental rights of his or her parent to include that at least three years have passed since the final order of termination and a permanency plan

of adoption or guardianship has failed. Finally, the bill makes these provisions retroactive for certain sibling groups and children whose permanency plan of adoption or guardianship has failed and parental rights were terminated more than three years ago.

HB 1278 requires that any reductions in planned services provided by a contracted community-based service provider be applied prospectively and not be changed retroactively. The bill also prohibits the updated algorithms from affecting any services that were previously authorized.

HB 2479 replaces the existing Board of Juvenile Affairs with a board comprised of appointees of the Governor, Speaker and President Pro Tempore. The measure authorizes the Governor to appoint the executive director of the Office of Juvenile Affairs, subject to Senate confirmation, and provides that he or she may be removed by a two-thirds vote of the Legislature.

HB 1427 provides that reports produced, or information received, by a multidisciplinary team are confidential and requires each member of the team to protect the confidentiality of the child and any information made available to the team. Finally, the bill exempts the team and information it receives from the requirements of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

HB 1993 adds a definition of *family-style living program* to the Oklahoma Children's Code to mean a residential program providing care to residents in a home-like environment not located in a building used for commercial activity.

HB 2212 requires that when a childcare program with a capacity of at least 50 children requests that DHS review its star rating, at least a week's notice is given, if requested by the facility.

HB 2468 creates the Oklahoma Gestational Agreement Act and

establishes a legal framework within which a woman may enter into an agreement to become pregnant with the genetic child of one or more intended parents and be compensated. Provisions of the measure include:

- Establishing criteria that must be met to become a gestational carrier;
- Specifying the necessary parties to an agreement and prohibiting any person in the U.S. illegally from being a party;
- Establishing the components of an agreement, including that all parties be represented by legal counsel and that at least one of the physicians or medical facilities that may perform the assisted reproduction procedure have informed the parties of the conception and birth statistics, expenses and risks attributable to the procedure;
- Requiring that a gestational agreement be validated by the court and the conditions required for validation;
- Requiring the intended parents to file a notice of the child's birth with the court within 21 days and that the court render an order confirming that the intended parents are the child's parents; and
- Establishing a framework for determining reasonable compensation for the gestational carrier.

HB 2605 directs the court, in a guardianship proceeding, to make a determination as to the capacity of a ward to consent to hospice services and allows a guardian to consent, on behalf of a terminally ill ward, to receive hospice services as authorized by a physician.

SB 318 adds a definition of *qualified residential treatment program* to the Oklahoma Children's Code, to conform with federal law, which means a program that:

- Utilizes a trauma-informed treatment model;
- Employs nursing staff and other licensed clinical staff;
- Includes family members in the child's treatment program, as appropriate;
- Facilitates outreach to family members of the child and documents how they will be involved in the treatment process of the child post-discharge;
- Provides family-based aftercare for six months after discharge; and
- Is licensed and accredited.

SB 512 adds conditions under which a district court can set aside, modify or reverse a decision of the Child Support Office of Administrative Hearings (OAH) at DHS when substantial rights of an appellant have been prejudiced because the findings, conclusions or decisions are:

- In violation of constitutional provisions;
- Beyond the statutory authority or jurisdiction of OAH;
- Made upon unlawful procedure;
- Affected by other error of law;
- Clearly erroneous;
- Arbitrary or capricious; or
- Made without findings of fact upon issues essential to the decision.

SB 742 requires district attorneys to send a report to the Office of Child Abuse Prevention within the Oklahoma State Department of Health detailing the instances of students convicted of truancy. Beginning with the 2019-20 school year the State Department of Education will be required to forward student and school data on chronic absenteeism to the office for possible assessment of the family's need for services and to give Child Welfare Services within the DHS access to

identifying information and school attendance reports of students with developmental disabilities.

SB 953 authorizes the Oklahoma Commission on Children and Youth (OCCY), during state FY 2019, to disburse to each freestanding multidisciplinary team the remaining contracted amount awarded to the team and requires the team provide the commission with monthly documentation of expenses and activity data. The measure also provides that, beginning January 1, 2020, the commission may disburse the contracted amount at the beginning of the calendar year to teams that are determined to be functioning effectively. Any funds remaining at the end of the contract period will revert back to the Child Abuse Multidisciplinary Account.

SB 977 provides that the court may make an emergency guardianship placement of a minor prior to receiving an Oklahoma State Bureau of Investigation (OSBI) name-based criminal history background check.

SB 989 transfers responsibility for the development of a standard *guardian ad litem* operating manual and the preparation of a guardianship and conservatorship handbook from the Administrative Office of the Courts to the Oklahoma Bar Association. The office will make the information available to the public on the Oklahoma State Courts Network website.

HB 1279 removes the ability of a minor to demand a jury trial in a proceeding to determine if he or she is in need of mental health or substance abuse treatment and provides that the decision will be made by the judge. However, the judge may, on his or her own motion, call a jury to try the case.

SB 833 directs DHS to provide the Office of Child Abuse Prevention at the State Health Department the names of individuals who have had their parental rights terminated and the conditions that led to that action. The office is directed to include in

its annual report the number of individuals with terminated parental rights who have had other children.

SB 141 modifies the purpose of the Successful Adulthood Act to provide current or former foster care children 14 years of age or older, the opportunity to achieve permanent connections with a caring adult by requiring, in part, that the permanency plan be developed in consultation with the child. The measure also requires the department to provide a child who is aging out of foster care official documentation showing that he or she was previously in foster care.

SB 430 authorizes the OSBI to conduct and receive results of national criminal history record checks for authorized purposes pursuant to the National Child Protection Act and the Volunteers for Children Act. The measure also limits the sharing of results to entities federally authorized to receive them.

HB 2610 requires, subject to the availability of funding, the director of the Bureau of Vital Statistics at the State Health Department to forward information regarding a child death within 72 hours to OCCY. The commission will submit the

information for a child maltreatment medical review, the results of which will be reported to OCCY, DHS, law enforcement, the local child advocacy center or child abuse multidisciplinary team, and the Child Death Review Board. The measure stipulates that the findings of the child maltreatment medical review must be considered prior to closing an investigation or assessment conducted by DHS. ■



Judiciary

The Legislature enacted a number of measures this session related to judiciary issues. A few topics include workers' compensation reforms and increasing civil filing fees in order to fund court record archiving.

HB 1091 creates the Court Clerk's Records Management and Preservation Fund to be funded by an additional \$10 filing fee for civil cases. The purpose of the fund is to finance court records management. The additional fee will only be assessed until November 1, 2023.

SB 694 reduces the amount of transfers the Administrative Office of Courts must make by directing fees for court reporters and interpreters into the fund from which the related duties are paid out. The measure also creates the Dispute Resolution System Revolving Fund at the Supreme Court, which will be used to deposit the revenue from the \$7 dispute resolution fee and to be used for duties relating to the Alternative Dispute Resolution Act.

SB 415 authorizes the court to hold competency hearings for juvenile cases via videoconference.

HB 1091 creates the Court Clerk's Records Management and Preservation Fund to be funded by an additional \$10 filing fee for civil cases. The purpose of the fund is to finance court records management. The additional fee will only be assessed until November 1, 2023.

HB 2366 modifies the Supreme Court Judicial Districts by establishing

the boundaries of the districts in accordance with congressional districts and establishing four at-large seats beginning January 1, 2020. The measure also sets the boundaries for the Court of Criminal Appeals Judicial Districts as the boundaries of the five Oklahoma congressional districts. The maps on the next page compare new and old districts.

SB 349 changes the fixed statutory salary amount of \$39,160 for court reporters employed by the district courts and the Corporation Commission to a salary schedule set by the respective agency's annual appropriation. As a result, court reporters, which were excluded from the state employee pay raises passed last year, will be given a \$2,000 increase.

HB 2770 establishes a base pay of \$42,410 per year for court reporters employed by the district courts, the Workers' Compensation Court of Existing Claims, and the Corporation Commission beginning FY 2020.

HB 1092 clarifies that the limits on awarding attorney fees in contested cases in small claims procedures may exceed 10 percent of the judgement awarded.

HB 1909 provides that if authorized by the court at the request of the next friend or *guardian ad litem*, all or a portion of the recovered monies for a person who is less than 18 may be deposited in an account pursuant to the Oklahoma College Savings Plan

Act with the minor designated as beneficiary of the account.

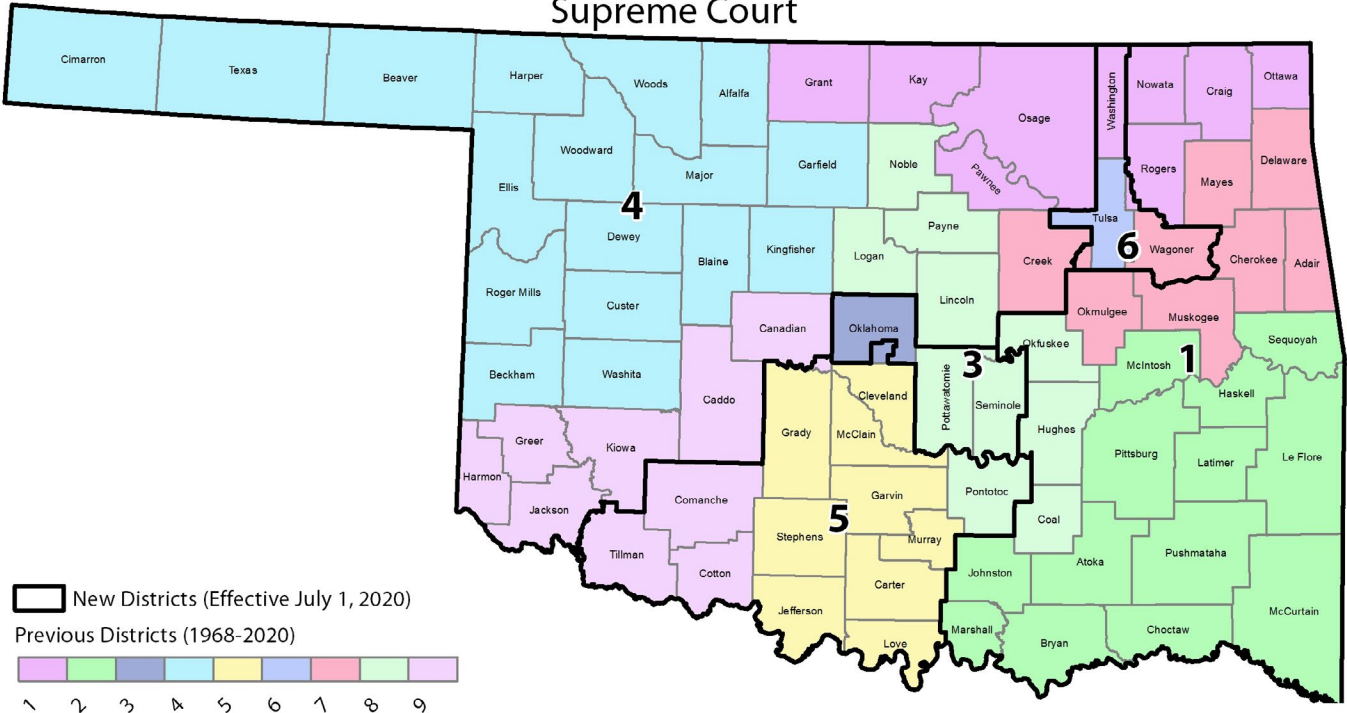
HB 1222 provides that in the event a recorded conveyance of non-homestead property has been executed by a married grantor without being joined by his or her spouse, the conveyance is to remain a valid conveyance of marketable title if one of the following instruments is placed in the record: an affidavit executed by the non-joining spouse stating that the property conveyed was non-homestead property; or a conveyance executed by the non-joining spouse relinquishing any claim in the property.

HB 2348 relates to the exclusion of consumer transactions governed by federal law by specifying the Uniform Commercial Code applies to a funds transfer that is a remittance transfer and that in the event of an inconsistency between state and federal law, the federal Electronic Fund Transfer Act of 1978 is to govern the inconsistency.

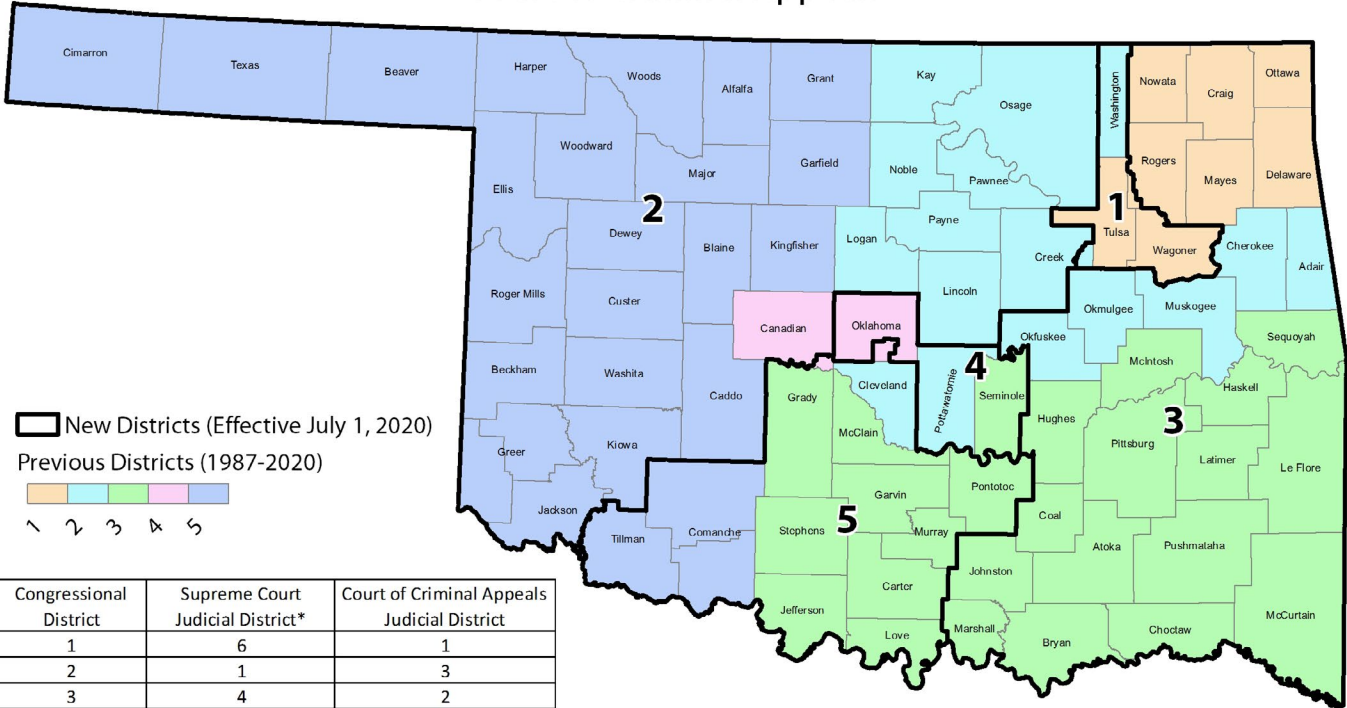
HB 2373 provides that in any action for nuisance brought against agricultural activities on farm or ranch land, the court or jury is to determine the amount of noneconomic damages separately from the amount of compensation for all other damages. Noneconomic damages awarded to a plaintiff are not to exceed three times the amount of compensatory damages or \$250,000, whichever amount is greater.

HB 2366 | Judicial Redistricting

Supreme Court



Court of Criminal Appeals



Congressional District	Supreme Court Judicial District*	Court of Criminal Appeals Judicial District
1	6	1
2	1	3
3	4	2
4	5	5
5	3	4

*plus four at-large districts: 2, 7, 8, 9

HB 2399 provides that the owner of any real property has the right to impose conditions in any lease agreement for the occupancy of any dwelling, or to terminate a previously executed lease agreement based upon the discovery of incomplete or false information regarding a tenant's criminal history.

SB 915 creates the Remote Online Notary Act. The measure authorizes notaries public to certify electronic documents. The notary is required to verify that the document is in a tamper-evident format and contains no signature related errors. The notary must also personally print the paper and ensure no changes are made other than indicating the document is certified by the notary. This measure does not apply to a plat, plan, map or survey of real property in certain circumstances. Nothing in the measure authorizes a notary to take testimony, certify transcripts or otherwise exercise any authority of a certified or licensed shorthand reporter.

The Secretary of State (SOS) is directed by the measure to promulgate rules governing electronic document certification. Notaries must register with the SOS to receive authorization to conduct remote notarization and pay a fee of \$25 to the Secretary's office. Submitted notarizations may be denied by the SOS if the SOS deems the technology insufficient or if the notary violated any rule promulgated under this measure or if the notary violated current laws and rules governing professional behavior.

The notary public is further required to create an audio and visual recording of the performance of each remote online notarial act. The measure also establishes procedures to follow upon certain termination of the notary public's commission.

HB 2393 allows a notice of termination of tenancy letter to be mailed through the Firm Mailing Book for Accountable Mail as provided by the U.S. Postal Service.

HB 2395 modifies the disposition of abandoned personal property to include personal property left around a dwelling unit.

SB 346 provides for a written affidavit of impartiality for property appraisals subject to forced sale. The measure requires estimates from at least three disinterested persons or a legal entity that has three independent, credible sources, each of which has estimated the real value of the subject property.

SB 380 authorizes the Administrative Office of the Courts, on behalf of the district courts, to enter into a sole source contract or a contract for professional services at any time with a person who is a part-time certified court reporter.

SB 449 requires cash deposits and accrued interest related to mechanics' and materialmen's liens to be forfeited to the county within five years instead of 10 years.

SB 489 authorizes members of the State Board of Examiners of Certified Courtroom Interpreters to serve more than two terms in succession. Additionally, the Chief Justice of the Oklahoma Supreme Court may authorize other individuals to serve as board members upon the board's recommendation. The measure authorizes the board to revoke the license of an interpreter who misrepresents credential status or violates other requirements. The measure further provides greater flexibility to the board with regards to determining levels of interpreter credentialing standards.

SB 700 modifies the definition of *electronic record* and *electronic signature* within the Uniform Electronics Transactions Act to include records or signatures secured through blockchain technology.

SB 71 provides that if the Board on Judicial Compensation recommends a change in judicial compensation, notice of the recommendation is to be provided to the Governor, the President Pro Tempore of the Senate, the Speaker of the House,

and the respective chairpersons of the appropriations committee of each chamber.

In response to how settlement funds were negotiated during the recent opioid litigation, **HB 2751** modifies the duties of the Attorney General (AG) by stating the office is to settle, compromise and dispose of an action in which the AG represents the interests of the state, so long as the consideration negotiated for is payable to the state or one of its agencies that is a named party of the action and any monies, property or other item of value is paid first to the State Treasury.

Workers' Compensation

HB 2367 modifies numerous components of the Administrative Workers' Compensation Act. Notably, the measure extends the maximum time period from 104 weeks to 156 weeks during which an employee may receive temporary total disability.

What is blockchain?

A blockchain is a data structure that makes it possible to create a digital ledger of transactions and share it among a distributed network of computers. It uses cryptography to allow each participant on the network to manipulate the ledger in a secure way without the need for a central authority.

Once a block of data is recorded on the blockchain ledger, it's extremely difficult to change or remove. When someone wants to add to it, participants in the network — all of which have copies of the existing blockchain — run algorithms to evaluate and verify the proposed transaction. If a majority of nodes agree that the transaction looks valid — that is, identifying information matches the blockchain's history — then the new transaction will be approved and a new block added to the chain.

Source Wall Street Journal

Furthermore, the maximum time period for permanent partial disability benefits is extended from 350 weeks to 360 weeks. Permanent partial disability benefit rates are increased from \$323 to \$350 per week and then \$360 per week beginning in 2021. The Workers' Compensation Commission (WCC) is directed to update the fee schedule every two years. The measure modifies the Workers' Compensation Court of Existing Claims, by requiring that one judge and one administrator be appointed by the Governor. Lastly, the measure increases funding sources for the Multiple Injury Trust Fund by allowing greater assessments against insurers and providing for an annual transfer of \$1 million from the Multiple Injury Trust Fund to the Oklahoma State Department of Labor for the purpose of administering the Oklahoma Occupational Health and Safety Standards Act. The graph below depicts the number of workers' compensation claims filed before and after the 2013 legislative reforms.

SB 274 lowers the threshold of the Self-Insurance Guaranty Fund from, \$2 million to \$750,000, at which the WCC must levy an assessment

against each private self-insurer and group self-insurance association. The measure increases the maximum assessment rate from 1 percent to 2 percent of actual paid losses of the preceding calendar year.

Medical Marijuana

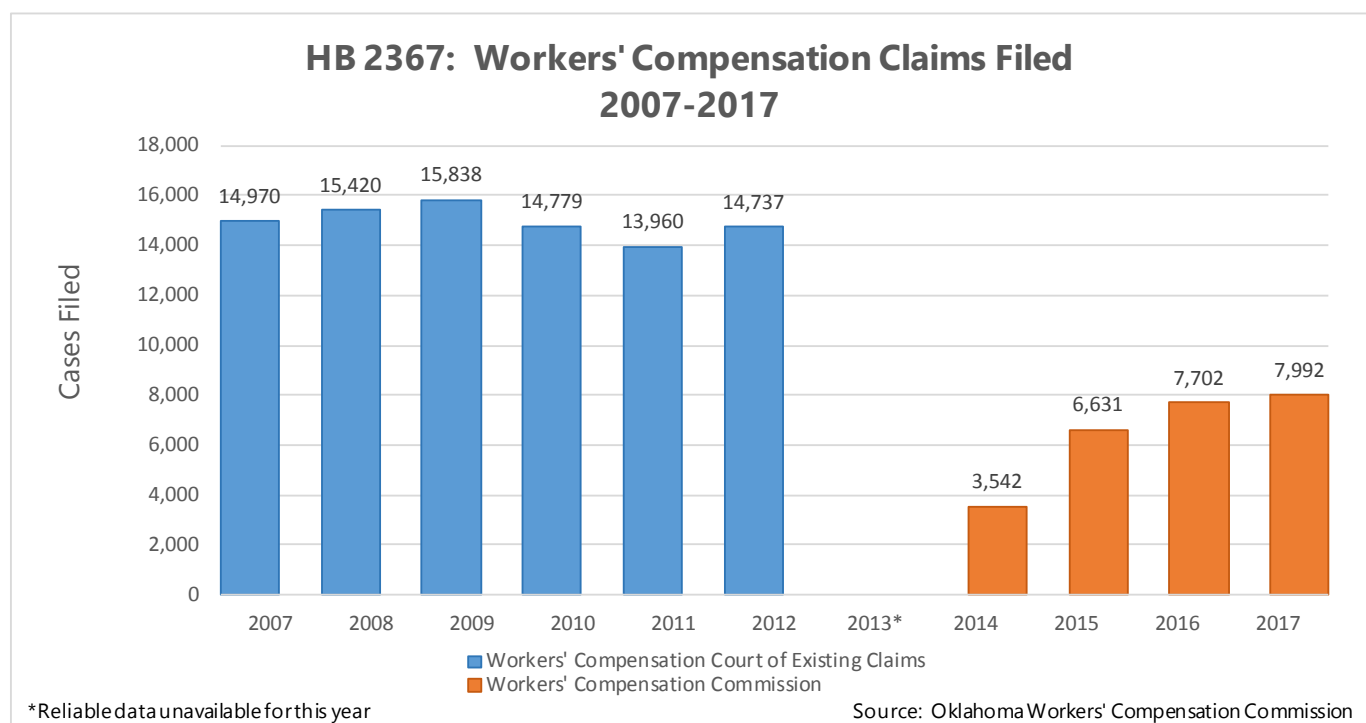
In response to State Question 788, which authorized the use of medical marijuana in the state, lawmakers enacted several pieces of legislation to regulate the new industry. Most notably, HB 2612 establishes the Oklahoma Medical Marijuana Authority (OMMA), creates license requirements, and provides guidelines for business and growing facility inspections. Other measures clarify the rights and towns have in governing the use and sale of medical marijuana, and establish penalties for any persons accused of misusing it.

HB 2612 creates the Oklahoma Medical Marijuana and Patient Protection Act. The measure:

- Establishes the Oklahoma Medical Marijuana Authority within the State Department of

Health as the regulatory entity for medical marijuana;

- Authorizes the authority to inspect and examine all licensed medical marijuana businesses, research facilities and educational facilities
- Authorizes the authority to establish licensing procedures and collect fees for performing background checks;
- Creates the Oklahoma Medical Marijuana Authority Revolving Fund for the purpose of collecting monies from fees and fines;
- Allows the authority to take disciplinary action for violations including license suspension and revocation;
- Directs the authority to create a medical marijuana use registry in accordance with the Health Insurance Portability and Accountability Act;
- Establishes the rights of licensed patients and caregivers;
- Clarifies that only licensed Oklahoma allopathic and



- Establishes advertisement, labeling and packaging requirements.

SB 882 creates the Oklahoma Medical Marijuana Waste Management Act, which directs the OMMA to issue medical marijuana waste disposal licenses and waste disposal facility permits. A person with a waste disposal license is entitled to possess, transport and dispose of medical marijuana waste. A person applying for a waste disposal facility permit must have a waste disposal license.

SB 1030 establishes additional criteria to regulate medical marijuana in the state. Some of the main provisions include:

- Clarifying that no municipality may unduly change their zoning laws to prevent marijuana establishments from operating within its boundaries. However they may follow their standard planning and zoning procedures to determine if certain zones or districts would be appropriate for locating marijuana-licensed businesses;
- Specifying the procedure law enforcement should follow when coming into contact with a person who possesses marijuana and can state a medical condition but is not in possession of a state-issued medical marijuana license;
- Requiring the State Department of Health to record revocation



SB 1030: Medical Marijuana Licenses

Caregiver*			Patient		Business**	
Date	Applications	Approved	Applications	Approved	Applications	Approved
August 2018	1,536	1,181	176,922	168,575	7,184	6,589
March 2019	893	642	87,129	74,778	4,345	3,959
October 2019	113	67	12,818	9,733	2,007	1,888

Source: OMMA

*Caregiver licenses are available to caregivers of patient license holders who are homebound.

**Business licenses include applications for growers, dispensaries, and processors.

hearings and to forward all information displayed on medical marijuana licenses to law enforcement and to make available to the public the location of licensed entities; and

- Authorizing any court in the state to access the medical marijuana registry.

HB 2613 adds physicians licensed by and in good standing with the Board of Podiatric Medical Examiners, to the definition of *physician* as it used in the Oklahoma Medical Marijuana Patient Protection Act.

HB 2601 prohibits smoking or vaping of marijuana in public spaces, educational facilities and state-owned vehicles. The measure creates a short-term medical marijuana license valid for 60 days and directs the Oklahoma State Department of Health (OSDH) to work with the State Banking Department to

create banking practices consistent with any future action taken by the federal government. Publicly traded companies may hold a medical marijuana business license. Finally, the measure prohibits advertising that promotes overconsumption, depicts usage as therapeutic, or appeals specifically to children.

SB 811 states that biomedical and clinical research related to the study of marijuana that is subject to federal regulation and oversight is not subject to OSDH oversight.

SB 532 provides procedures in the event of a foreclosure of a dispensary, grower or processor. Secured parties may continue operations upon approval by the Oklahoma Medical Marijuana Authority but must meet licensing requirements.

SB 162 clarifies that a prescribing physician must be in good standing with the State Board of Medical

Licensure and Supervision or the State Board of Osteopathic Examiners. The measure limits a test batch to no more than 10 pounds and directs growers and processors to separate harvest lots into batches of no more than 10 pounds.

SB 31 clarifies the number of grams of medical marijuana, concentrated marijuana, and edible marijuana a person can legally possess.

SB 238 requires all products containing cannabidiol to have a label showing the country of origin and whether the cannabidiol is synthetic or natural.

The measure also allows for retail sale of industrial hemp without a license. The adding of hemp derivatives, including cannabidiol, to cosmetics, personal care products and products intended for human or animal consumption is also permitted without a license. ■



Public Safety

Legislation was enacted this session to improve gun owner's rights by establishing Oklahoma as a "constitutional carry" state. Measures related to driver license issuance and improved training for law enforcement officers were also a focus this year.

HB 2597 establishes "constitutional carry" to allow the carrying of firearms by any person 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 the possession or purchase of a firearm. The measure provides that it is unlawful for a person illegally in the United States to possess or have in their control a firearm or imitation or toy firearm. The measure clarifies the carrying and transport of firearms in vehicles to allow lawful transport or carrying of a handgun or pistol in a vehicle or on or about a person whether concealed or unconcealed, loaded or unloaded and without a valid handgun license as permitted by law.

HB 1214 allows a person who is a lawful permanent resident in the U.S. and has established residency in Oklahoma to apply for license pursuant to the Oklahoma Self-Defense Act.

HB 2010 allows a person to carry concealed, but not openly in any municipal zoo or park of any size that is owned, leased, operated or managed by a public trust or nonprofit entity.

HB 2286 makes numerous technical clarifications to Oklahoma State Bureau of Investigations (OSBI) procedures regarding the issuance of handgun licenses. The measure requires OSBI to conduct a check of the National Instant Criminal Background Check System prior to the issuance of a handgun license to a peace officer if no prior check is on file. OSBI is required to notify license holders by email 90 days prior to expiration of a license. The measure requires any person with a valid firearm license from another state, who wishes to continue to carry a firearm, to apply for a handgun license within 90 days of establishing residency in Oklahoma.

SB 24 amends the definition of a *handgun* within the Oklahoma Self-Defense Act to exclude any firearm with an overall length of 26 inches or more. The measure also amends the definition of a *shotgun* to allow barrels with a length of less than 18 inches provided the overall length of the firearm is 26 inches or more. The definition of *sawed-off shotguns* excludes firearms with an overall length of 26 inches or more and clarifies that a shotgun and sawed-off shotgun use a combustible propellant charge. The definition of *pistols* or *handguns* is also amended to reflect the definition of such firearms found in the Oklahoma Firearms Act of 1971.

HB 1161 allows a court clerk to transmit information related to mental competency adjudications

and involuntary commitments by electronic method authorized by the Federal Bureau of Investigation, the Department of Mental Health and Substance Abuse Services and the Oklahoma State Bureau of Investigation.

Driver License

SB 712 makes numerous modifications to driver license revocation procedures. A person under the age of 21 with any alcohol in his or her system, or a person with a blood or breath alcohol concentration of 0.08 or more, will have his or her license revoked for a minimum amount of time, but will have the option to enter the Impaired Driver Accountability Program in lieu of revocation. The fee for entering the program is currently set at \$200. The measure also provides for the result of a chemical test to be admissible in all civil actions, including administrative hearings regarding driving privileges.

The measure decreases the time period for the first revocation from one year to 180 days and may be modified upon request, provided the license in question is a Class D driver license. Any person requesting a sentence modification must submit the request within 30 days after notice of revocation and must install an ignition interlock device for a period of no less than 180 days for a first offense.

The bill also decreases the period of revocation for a person convicted on a second, similar offense from two years to one year. The person may request the suspension to be modified, but must install an ignition interlock device. An individual convicted a third time will receive a longer suspension period, increased from two years to three years, but may request a modified sentence if an ignition interlock device is installed for a period of no less than three years.

An individual is subject to suspension if the Department of Public Safety (DPS) notes a prior revocation and completion of the Impaired Driver Accountability Program on the driver's record. The department may extend the period of ignition interlock if a person attempts to operate the vehicle while under the influence. The measure creates procedures to refer defendants to a licensed physician for further evaluation and a possible prescription related medication-assisted treatment for alcohol or opioid dependence.

SB 19 modifies the types of proof of identity required to obtain a REAL ID compliant driver license and noncompliant license. The measure also states that an applicant's address and proof of principal residency will only be displayed on REAL ID compliant driver licenses and identification cards.

SB 347 allows persons holding a commercial class A license to be exempt from the requirement to obtain a hazardous materials endorsement if the person is acting within the scope of their employment at a custom harvester operation, agrichemical business, farm retail outlet and supplier, livestock feeder or is operating a service vehicle transporting diesel fuel of 1,000 gallons or less, and clearly marked with a "flammable" or "combustible" placard as appropriate.

SB 378 authorizes any public or private commercial truck-driving school to hire designated examiners of

the DPS to be third-party examiners. DPS is directed to adopt a curriculum of required courses and training to be offered to third-party examiners. Third-party examiners are subject to an annual criminal background check by DPS. Fees for the background check are to be paid by the third-party tester or third-party tester applicant. DPS is directed to promulgate rules to implement the provisions of the measure.

SB 83 removes the requirement that the Commissioner of Public Safety collaborate with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control when designing commercial driver license training materials. The measure also authorizes the commissioner to utilize or establish industry specific materials in the instruction for the recognition, prevention and effective reporting of human trafficking for people training to obtain a commercial driver license.

HB 2098 creates the 21st Century Motor Tag Agent Act. The measure:

- Prohibits a member or employee of the Oklahoma Tax Commission (OTC) or any person related to a member or employee of OTC from being appointed as a tag agent;
- Removes the prohibition on legislators or family members of legislators from being a tag agent;
- Increases the fine from \$1,000 to \$2,000 for a motor license agent or employee of an agent to operate a messenger or delivery service from;
- Provides that the fee that a motor license agent may charge for mailing a notarized document is to be determined by law;
- Modifies the fee that a motor license agent may charge for mailing a license plate to be the cost of postage plus \$1.25; and
- Modifies the fee that a motor license agent may charge for

mailing a decal to be the cost of postage plus \$1.

HB 2664 authorizes the OTC to issue a "vintage vehicle" certificate of title for cars and trucks for which no Oklahoma certificate of title exists prior to January 1, 1980, and which has no registration records in Oklahoma or any other state for a period of 15 or more years. The fee for a vintage vehicle title is \$250. Applicable sales and excise tax must also be paid. Once a certificate of title has been issued for a vintage vehicle it is subject to the annual registration requirements in the same manner and subject to the same fees as provided by law for other motor vehicles.

HB 2307 requires a motor license agent to be open four hours per week in the evening hours or on Saturday, subject to approval by the OTC. The commission may authorize a motor license agent to stay open a lesser period of time if it is satisfied that the public is being properly served. At least one motor license agent must be open in the evening or on Saturdays in each county.

Officers and Officer Training

SB 1059 directs DPS to conduct two trooper academies to be funded by the sale of the state aircraft and \$4 million in appropriated funds. The measure also directs the use of \$600,000 in appropriations for the development of a REAL ID compliant point of sale system for driver license locations and the DPS headquarters.

HB 1207 provides that if an officer leaves the original employing agency that paid for Council on Law Enforcement Education and Training (CLEET) training later than one year, but less than two years, after initial employment, the second agency, or the officer who received the training, must reimburse the original agency 50 percent of the cost of the training and salary paid to the person while completing the basic police course. The measure deletes language relating to the use of a

promissory note to recoup academy training expenses.

HB 1212 allows peace officers within the Department of Corrections to retain custody of their sidearm and badge upon retirement or death. The peace officer may also purchase the rifle or shotgun issued to the peace officer at retirement.

HB 2037 provides that if a county offers hosting services to Oklahoma Law Enforcement Telecommunications System, the sheriff may assess and collect costs and fees from an agency using the system to be deposited in the Sheriff's Service Fee Account. The costs and fees expended from the account must be used for personnel, recurring user fees, necessary hardware and accessories, installation of equipment, maintenance and operational expenses for the hosting system.

HB 2292 allows any person to attend the CLEET courses or training offered by a technology center school or higher education institution.

SB 224 authorizes CLEET to require its employees and employees of agency contractors who have access to Oklahoma Peace Officer records, Oklahoma Security Guard and Private Investigator records, Oklahoma Bail Enforcement and Licensing Act records, to be subject to a criminal history search by the Oklahoma State Bureau of Investigation, as well as be fingerprinted for a national criminal history check.

SB 235 changes the late fee associated with the license renewal for bail enforcers into a nonrefundable fee. Additionally, any license application received by CLEET more than 30 days after the expiration date is nonrenewable. The measure also allows records pertaining to final orders related to administrative proceedings and documentation requested by CLEET to be made available to the applicant or licensee to complete the application process.

The measure further requires applicants for an armed private investigator license to submit to any psychological evaluations approved by CLEET and prohibits CLEET from issuing a license renewal for any license permitting a person to carry a firearm if the person has been involuntarily committed for a mental illness. In the event that the Department of Mental Health and Substance Abuse Services reports to CLEET that the applicant has been involuntarily committed, CLEET is required to inform the applicant's employer.

CLEET is also authorized to issue conditional licenses to unarmed security guards or private investigators pending a background investigation if the person completed all required application procedures. Conditional licenses may be withdrawn at CLEET's discretion and must clearly display that the holder is not allowed to carry a firearm. The measure also clarifies that the applicant must not have plead guilty, no contest, or any other plea except for "not guilty" to any felony.

SB 259 allows agencies approved to receive photographs or computerized images to obtain them through the Oklahoma Law Enforcement Telecommunications System (OLETS) and/or through the National Law Enforcement Telecommunications System (NLETS).

SB 636 requires all law enforcement agencies in the state to adopt policies and procedures for the electronic recording of a custodial interrogation of an individual suspected of homicide or a felony sex offense that is conducted at a place of detention. Policies must include the requirement to electronically record the entirety of the interrogation, the requirement to electronically record a defendant electing to sign a written statement, procedures for storing the recordings, and a statement of exceptions outlined in the measure.

SB 656 removes the cap on the number of hours in the required

CLEET certification course on oil field equipment theft.

SB 658 limits the number of law enforcement academies that CLEET can approve to two per year.

SB 679 allows law enforcement officer organizations to request a county assessor to withhold from the public the personal information of undercover law enforcement officers and covert law enforcement officers. The official requesting confidentiality must obtain a court order.

SB 798 requires law enforcement agencies that conduct eyewitness identification procedures to adopt a written policy. The policy requires photo arrays and live lineups to be conducted using a blind administrator or a technique of blinded administration as well as fillers to be provided that match the witness's description of the suspect. Eyewitnesses must also be informed that the suspect may or may not appear in the lineup or photo array. Upon identifying the suspect, an eyewitness must state his or her certainty in the suspect's identity.

SB 971 directs CLEET to design training courses related to sexual assault calls, guidelines for the collection and maintenance of sexual assault kits, and continuing education on trauma-informed sexual assault response and intervention beginning November 1, 2019. The training must be completed on a regular basis as determined by CLEET and be included in the basic training academy.

Rules of the Road

HB 1044 authorizes the driver of a school bus to use a hand-held mobile telephone when driving to and from a central dispatch school transportation department.

HB 1332 authorizes the operation of all-terrain vehicles on roadways within unincorporated areas of a county if the roadway is not part

of the state highway system or interstate system.

HB 2516 allows the owner of a noncommercial vehicle to inform the OTC that the owner, or someone who may be operating the vehicle is deaf, hard-of-hearing, autistic or suffers from apraxia or other communication disorder. That information, if provided, must be available to law enforcement through the OTC vehicle registration system.

HB 2453 clarifies the manner by which motor vehicles may overtake and pass cyclists. The measure provides directives dependent on the number of lanes and creates a tiered punishment for violations:

- Upon a first conviction, the offender is subject to a fine of not more than \$100;
- Any second or subsequent conviction is punishable by up to 30 days in the county jail, a fine of not less than \$150 nor more than \$500, or both fine and imprisonment;
- If a collision occurs, the punishment is imprisonment in the county jail for up to three months, a fine of up to \$1,000 or both fine and imprisonment;
- If great bodily injury occurs, the punishment is up to six months in the county jail, a fine of not more than \$3,000 or both fine and imprisonment; and
- If the violation results in the death of an individual, punishment is up to one year in the county jail, a fine of not more than \$5,000 or both fine and imprisonment.

HB 1265 allows for the use of electric-assisted bicycles and exempts them from driver license, insurance, vehicle registration and certificates of title requirements. The measure creates definitions for Class 1, Class 2 and Class 3 electric-assisted bicycles.

HB 2454 allows the operator of a bicycle to proceed cautiously through

stop lights if the signal has failed to detect the arrival of a bicycle.

HB 2629 requires motorists to proceed with due caution when approaching a wrecker displaying an amber light. Additionally, peace officers can arrest a person offering wrecker or towing services without a valid tow license. Violators are subject to a misdemeanor punishable by a fine of \$1,000 and impoundment of the tow truck being used.

SB 337 allows a municipality or county to authorize the use of mopeds on streets, highways or unincorporated roadways if a municipality or county has adopted an ordinance or resolution governing the operation in their respective jurisdictions. The ordinances or resolutions must include necessary vehicle lighting and safety requirements.

SB 365 creates the Oklahoma Driving Automation System Uniformity Act. The measure preempts local laws and asserts that only the state may enact laws or regulations regarding the use of motor vehicles equipped with driving automation systems in Oklahoma.

SB 516 modifies the definition of *vehicle* as used in the Oklahoma Vehicle License and Registration Act to mean a vehicle manufactured within the last 10 model years.

SB 690 increases the maximum allowable height of any vehicle on Oklahoma turnpikes, interstate highways, state and federal highways from 13.5 feet to 14 feet and holds operators of vehicles greater than 13.5 feet liable for all damages to any part of structures spanning the highway or damages suffered by other affected parties caused by the vehicle or load exceeding the posted height. The measure also directs the Oklahoma Department of Transportation to publish an official state bridge vertical clearance map on its website.

Miscellaneous Public Safety

HB 1071 directs the Oklahoma Transportation Commission to set a speed limit of 75 miles per hour in locations comprising rural segments of the interstate highway system, as designated by the commission. The measure allows the Oklahoma Turnpike Authority to set a maximum speed limit of 80 miles per hour on toll road sections determined by the Turnpike Authority.

HB 1094 eliminates the requirement that motor vehicle or manufactured home salespersons be licensed. Rather than a professional license, salespersons are required to obtain a certificate of registration with the Oklahoma Motor Vehicle Commission or the Oklahoma Used Motor Vehicle and Parts Commission.

HB 1156 exempts canoes, kayaks and paddleboats from title and registration requirements. The measure allows the owners of any exempt vessel to title and register vessels for the purpose of proof of ownership or vessel identification.

HB 1210 provides that any three or more commercial vehicles owned by the same person and previously registered in this state may be registered at the same time regardless of the month or months in which they were previously registered.

HB 1217 increases the width allowable for the transport of a manufactured home from 16 feet to 18 feet and requires that a front and rear escort be used when transporting such a home on an interstate.

HB 1926 allows a school district to install a video monitoring system on a school bus to record vehicles unlawfully overtaking school buses. The registered owner of a vehicle in violation, in addition to any fine, is to pay a special assessment of \$100 with 75 percent of the assessment deposited to the credit of the Cameras for School Bus Stops Revolving Fund, and 25 percent to the issuing local law enforcement agency. Monies from the fund may be expended by

the State Board of Education for the purposes of providing grants to public school districts for the installation of camera equipment on buses.

HB 1933 removes the restriction on the number of special investigators that can be employed by the Oklahoma State Bureau of Investigation and allows for the employment of a human resources director and comptroller.

HB 2091 adds two members to the Domestic Violence Fatality Review Board to be appointed by the Attorney General. One of the new members must be an American Indian survivor of domestic violence selected from a list of three names submitted by the Native Alliance Against Violence.

SB 89 requires drivers to change into lanes that are not adjacent to the lane in which a stationary vehicle is displaying flashing lights, when possible.

SB 125 provides that if a certificate of title is labeled by the OTC as a Lemon

Law Buyback, it must permanently remain on the title.

SB 236 provides for the admissibility of laboratory reports from the Federal Bureau of Investigation or the Drug Enforcement Administration at hearings prior to trial or at a forfeiture hearing.

SB 289 clarifies language related to the solicitation of collision reports maintained by the Department of Public Safety. The measure defines *personal information* in an effort to protect such information from being released in response to a commercial solicitation.

SB 403 changes the position of Department of Public Safety Highway Patrol Major from classified to unclassified service.

SB 433 allows a transportation network company (TNC) to accept payment for prearranged rides by check mailed to the TNC.

SB 635 modifies the timespan when fireworks may be sold by licensed

retailers. They may now be sold from June 15 through July 6, or until the first Sunday after July 4, whichever is later.

SB 709 renames the Assistant Commissioner of the DPS as the Chief of Administration, who will be required to participate in the Oklahoma Public Employees Retirement System, if the participant is not eligible or chooses not to participate in the Highway Patrol Division in the Oklahoma Law Enforcement Retirement System.

SB 716 creates new home inspection fees for any manufactured home builder who sells a new home to be shipped to or sited in the state. The fee is \$75 for a new singlewide or a used manufactured home and \$125 for a new multi-floor manufactured home. The fee is to be paid by the installer at or before the time of installation and is to be deposited in the Oklahoma Used Motor Vehicle and Parts Commission Fund. ■



Revenue & Taxation

With record revenue growth, the Legislature restored, enacted and expanded several tax incentives for first time homebuyers, foster care expenses and other important causes. Nonetheless, savings and fiscal oversight was still an important tenet so a record deposit of \$200 million was sent to the Revenue Stabilization Fund along with the creation of a new commission to analyze the state revenue system.

SB 1076 appropriates \$200 million to the Revenue Stabilization Fund (RSF) which is Oklahoma's second savings account. The funds may be used in future years if the state is experiencing a revenue failure. A related measure, **SB 1072** caps future deposits to the RSF at three percent of the State Board of Equalization General Revenue Fund certification for any given fiscal year.

In response to the U.S. Supreme Court's ruling in *South Dakota v. Wayfair*, the Legislature enacted **SB 513**, which requires any remote seller with aggregate sales of tangible personal property worth \$100,000 or more within the state during the preceding or current calendar year to collect and remit state sales and use tax. Any sales by a remote seller through a marketplace forum or referrer's platform where sales or use tax is already collected and remitted can be excluded from the \$100,000 sales threshold for determining whether or not the seller is subject to the requirement.

Following the heels of Connecticut and Wisconsin, Oklahoma becomes the third state to adopt a pass-through entity tax aimed at providing a workaround to the \$10,000 cap on state and local deductions established by the federal Tax Cuts and Jobs Act with the passage of **HB 2665**. The measure creates the Pass-Through Entity Tax Equity Act of 2019 to allow any entity required to file an Oklahoma partnership income tax return or Oklahoma S corporation income tax return to make an election to pay state income tax attributable to its equity owners on behalf of its equity owners, whether the owner is a natural person, a corporation or another pass-through entity. The amount of tax due by an electing pass-through entity is the sum of the total tax attributable to each equity owner, which is computed by multiplying the following three factors:

- Each owner's distributive share of the electing pass-through entity;
- The pass-through entity's Oklahoma net entity income for the tax year; and
- The highest state marginal individual income tax rate (currently 5 percent) if the owner is an individual, trust or estate or 6 percent if the member is a corporation, pass-through entity or financial institution.

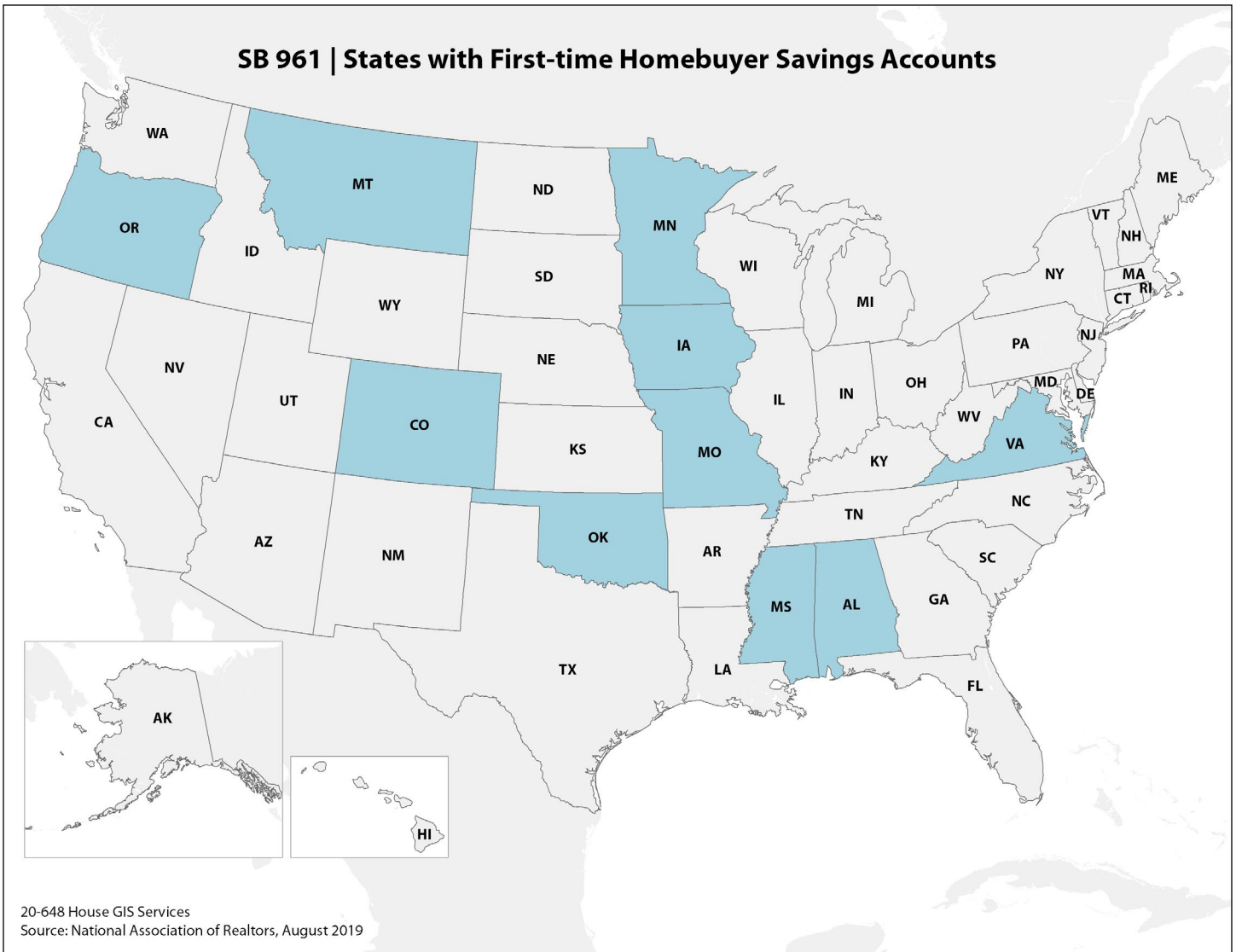
The legislative intent of the measure is to establish a revenue-neutral mechanism to provide a more fair

and simplified taxation of pass-through entities and their members in the state.

As illustrated on the map on the next page, Oklahoma became the 10th state to incentivize savings for first-time homebuyers through the passage of **SB 961**, which creates the Oklahoma First-Time Home Buyer Savings Account Act. The measure allows eligible taxpayers to open a homebuyer savings account with a financial institution on or after January 1, 2020 and receive an income tax deduction for contributions to an account and earnings accrued through contributions made to an account. Tax exempt contributions are limited to \$5000 per taxpayer, or \$10,000 for joint filers, each tax year. Furthermore, an account holder is limited to an aggregate deduction of \$50,000 per account, provided the account contributions and earnings are used to pay for or reimburse eligible costs relating to the purchase of a single family residence in Oklahoma.

SB 893 restores an income tax deduction for foster care expenses effective January 1, 2019. The deduction is limited to \$5,000 per tax year, provided the taxpayer has been under contract to provide care to a foster child for at least 6 months. If the taxpayer has been providing care for a foster child for less than 6 months, then the deduction amount must be adjusted on a monthly pro rata share.

SB 961 | States with First-time Homebuyer Savings Accounts



HB 2095 modifies the tax credit for investments in qualified clean-burning motor vehicle fuel property by:

- Extending the sunset date of the credit until December 31, 2027;
- Removing references to equipment or property that uses hydrogen fuel cells as the energy source;
- Modifying the amount and procedure for calculating credits;
- Establishing a \$20 million annual cap for credits claimed beginning January 1, 2020;
- Requiring the Oklahoma Tax Commission (OTC) to monitor tax credit usage and report to the State Secretary of Energy

and Environment any time the amount of credits claimed reaches 80 percent of the annual limit; and

- Requiring the secretary to notify the Governor, House and Senate when the 80 percent threshold is reached.

For the purchase or conversion of a qualified motor vehicle, the credit amount will be based on the

Vehicle Weight (lbs)	Maximum Credit Amount
Under 6,000	\$5,500
6,001-10,000	\$9,000
10,001-26,500	\$26,000
26,501+	\$50,000

weight of the vehicle rather than the cost of the property.

For the purchase of infrastructure property such as a refueling or charging station, the credit amount is decreased from 75 to 45 percent of the cost effective January 1, 2020.

SB 18 extends the sunset date of the sales tax exemption for the sale or lease of rolling stock to July 1, 2024. The measure also expands the exemption to include railroad car maintenance and retrofitting.

HB 1003 provides a sales tax exemption for sales of tangible personal property to the American Legion.

HB 2530 provides a sales tax exemption on the sale of personal property or services to or by an

organization that is an official member of the Fab Lab Network. Qualified entities must be a tax exempt 501(c)(3) organization, have a letter from the MIT Fab Foundation certifying compliance with the Fab Chapter and be able to provide documentation that their primary and principal purpose is to provide community access to advanced 21st century manufacturing and digital fabrication tools for science, technology, engineering, art and math learning skills.

HB 1262 relates to a sales tax exemption for drugs and certain medical appliances, devices and equipment administered, distributed or prescribed by a practitioner. The measure:

- Adds allopathic physicians and clinical nurse specialists to the list of practitioners that may administer, distribute or prescribe the items eligible for the sales tax exemption;
- Removes prosthetic devices, durable medical equipment and mobility-enhancing equipment from the list of items that must be paid for and reimbursable under the federal Medicare or Medicaid program in order to be eligible for the exemption; and
- Amends the definition of *durable medical equipment* to require that the equipment be used in the home in order to qualify for the exemption.

HB 2669 creates a nine-member State Revenue Apportionment Evaluation Commission that is tasked with analyzing the state revenue system with special emphasis on the amount of revenue apportioned for purposes outside of the General Revenue Fund for each fiscal year until July 1, 2023. The bill requires the commission to submit a report to the Governor and Legislature within 120 days after the end of each fiscal year.

HB 1852 extends the sunset date of the apportionment of gross production tax revenue to the Oklahoma

Tourism and Recreation Department Capital Expenditure Revolving Fund, Oklahoma Conservation Commission Infrastructure Revolving Fund and Community Water Infrastructure Development Revolving Fund until June 30, 2022.

HB 2671 restores the income tax checkoff for the Oklahoma Silver-Haired Legislature and Oklahoma Regional Food Banks effective tax year 2019. The measure also adds the Oklahoma Silver-Haired Legislature-Excellence in State Government Revolving Fund to the list of entities exempt from being removed from income tax forms in future years due to low contribution amounts.

HB 2734 requires notice to be given to the OTC in any action affecting the ownership or right of possession of intangible personal property, such as a settlement or court judgment. The purpose of the notification is to give OTC the ability to determine its lien upon the property involved.

HB 1962 modifies the deadline for several procedures related to the appeals process for protesting property valuation changes made by a county assessor. The deadline for:

- Filing a written protest is clarified to mean 30 calendar days from the date the change in valuation notice was mailed;
- Filing a protest when the valuation of a property remains unchanged from the previous year is changed from the first Monday in May to the first Monday in April;
- The assessor issuing a written decision is changed from five working days to seven calendar days after the date of the informal hearing;
- Filing an appeal to the county board of equalization is changed from 10 working days to 15 calendar days of the date the written decision was mailed; and
- Filing an appeal in district court is changed from 10 days to 30

calendar days of the date the board of equalization order was mailed or delivered.

SB 402 prohibits repeated participation in statutory voluntary compliance initiatives by any taxpayer unless the taxpayer makes a written request to petition the OTC for a waiver from the limitation.

SB 429 changes the monthly remittance due date for certain filers required to pay motor fuels tax. For any licensed bonded importer, the remittance due date is changed from the 25th day of the month to the 20th day of the month. For any licensed supplier that pays tax on motor fuel removed from a terminal or refinery, the remittance due date is changed from the 27th to the 20th day of the month.

HB 1263 allows claimants of a tax credit for electricity generated by a zero-emission facility to make an irrevocable election to not receive a direct refund for a given tax year for credits generated for the first time on or after July 1, 2019. Any credits not directly refunded may be carried forwarded as a credit against subsequent income tax liability for up to 10 years. After the 10th year of carry forward, any credits remaining will be refunded at 85 percent of the value.

SB 475 relates to a tax credit for electricity generated by a zero-emission facility. The measure clarifies the sunset date as December 31, 2021 instead of tax year 2021.

SB 204 modifies the definition of *charitable organization* by including a natural person representing himself or herself as the charity or purporting to act on behalf of a charitable organization.

SB 427 clarifies statutory references within the gross production tax code. ■



Transportation

Continuing its focus on accountability, the Legislature empowered the Governor to appoint the Director of the Oklahoma Department of Transportation, as well as changing how the members of the State Transportation Commission are appointed. Additionally, railcars are no longer allowed to block vehicle traffic at crossings, and a number of new license plates and roadway dedications were approved.

SB 457 allows the Governor to appoint the Director of the Oklahoma Department of Transportation (ODOT). The director now serves at the pleasure of the Governor, but may also be removed by a two-thirds vote of each chamber of the Legislature. The measure modifies the appointing authority of the State Transportation Commission by allowing the Speaker and the President Pro Tempore to each have two appointees.

HB 1365 creates a new Office of Mobility and Public Transit, which assumes all responsibilities of the Transit Division of ODOT as well as implementation of any Federal Transit Administration programs not currently managed by ODOT. The new office will oversee a network of public transit systems, including EMBARK, Tulsa Transit, Little Dixie Transit and others designated by ODOT. The Office of Mobility and Transit is also charged with developing the Oklahoma Public Transit Policy Plan in conjunction with ODOT and the Oklahoma Transit Association.

HB 2472 prohibits a railcar from blocking vehicle traffic at a crossing on a public highway or street for longer than 10 minutes, with exceptions for emergency conditions or if the train is continuously moving. The bill requires every railroad to be operated in a manner that minimizes obstruction of emergency vehicles at public highway grade crossings. The measure allows for a fine of up to \$5,000 per violation, of which 75 percent goes to the entity issuing the citation and 25 percent to the Corporation Commission Revolving Fund. The Corporation Commission is directed to produce an annual report on the number of violations, rulings, appeals and fines assessed pursuant to this law.

HB 2311 changes the designation for the SSG Christopher Michael Hake Memorial Bridge and amends the designation for 2nd Lt Faythe McGinnis Memorial Highway to include the words *Tuskegee Airman*. Additionally **HB 2311** and **SB 641** create the following road and bridge designations:

- Trooper Leon. H. Brown Memorial Highway;
- Paul Henry Carr Memorial Bridge;
- Deputy Sean Cookson Memorial Highway;
- Sgt. Michael A. Crawford Memorial Highway;
- Sheriff Horace H. "Bill" Dyer Memorial Highway;

- Landon L. Endres Memorial Interchange;
- Gold Star Families Memorial Highway;
- City Marshal Jefferson Davis "J.D." Graham Memorial Highway;
- 1LT Damon Leehan Memorial Bridge;
- Sgt. Jason McCluskey Memorial Bridge;
- Lt. Heath Meyer #64 Memorial Highway;
- Deputy Sheriff Michael Dee Pace Memorial Bridge;
- Deputy Sheriff Clifford Phillip Payne Memorial Highway;
- Randy Peterson Memorial Highway;
- Senator Melvin E. Porter Memorial Bridge;
- Councilwoman Avalon Reese Memorial Highway; and
- Private First Class George Henry Taylor Memorial Bridge.

SB 170 creates the following license plates:

- Afghanistan Combat Veteran;
- Bixby School District;
- Combat Action Badge Recipient;
- FIRST (For Inspiration and Recognition of Science and Technology);
- Historic Greenwood District;

- Iraq Combat Veteran;
- Millwood High School Alumni;
- Monarch Butterfly;
- Oklahoma Tennis Foundation;
- Oklahoma Women Veterans Organization;
- Patriot Guard Riders;
- Pittsburg State University;
- Special Forces Association; and
- Toastmasters International.

The measure also makes existing Operation Iraqi Freedom Veteran, Operation Enduring Freedom Veteran and Folds of Honor Supporter license plates available for motorcycles. The bill replaces the current Veterans of Foreign Wars (VFW) license plate with a new one to be designed in consultation with the VFW Foundation, and authorizes the Tax Commission to enter into an agreement with the foundation for any licensing fees required. Finally, proceeds from the Historic Greenwood District plates will be used to support and promote Historic Greenwood's Juneteenth Festival.

HB 2093 creates a special license plate in support of Catoosa High School to be designed in consultation with representatives of Catoosa High School.

HB 1330 increases, from 1 acre to 3 acres, the size of a parcel of land that ODOT must offer to sell to a sole adjacent landowner before it may be offered for sale to the general public.

HB 2766 restores \$99.6 million in funds that were appropriated from the State Highway Construction and Maintenance Fund, and the Oklahoma Railroad Maintenance Revolving Fund in the 2019 general appropriations bill.

SB 294 prohibits a state agency from requiring a single or combination farm use vehicle to participate in the U.S. Department of Transportation identification system, unless federal law specifically requires it.

SB 375 provides that, on the interstate highway system, a vehicle carrying fluid milk products is to be considered a load that cannot be easily dismantled or divided.

SB 189 exempts a non-lead vehicle in a platoon from statutes prohibiting vehicles from following too closely.

SB 61 limits the overall length of a combination of vehicles consisting of a trailer transporter towing unit and two trailers with total weight under 26,000 pounds, defined as a *towaway trailer transporter combination*, to 82 feet. The measure also allows a stinger-steered automobile transporter to have an overall length up to 80 feet with an extension of load, that extension being limited to 4 feet beyond the front or 6 feet beyond the rear of the vehicle. Finally, the bill allows an automobile transporter to transport cargo or freight on a backhaul.

SB 374 applies interstate highway vehicle weight limits to all roads and highways. Weight limits for certain vehicles operating under special permits are deleted. The measure extends weight limit exemptions to a dual-lane trailer with dual-lane axles, heavy-duty tow and recovery vehicles, and emergency vehicles. ■



Veterans & Military Affairs

The Legislature took steps this year to improve on its commitment to support those who serve in uniform and their families. Most notably, the Legislature passed measures updating the military justice code, creating volunteer guardian program for veterans, increasing burial reimbursement rates for veterans, and allowing the Oklahoma Department of Veterans Affairs greater purchasing and hiring authority.

HB 2362 repeals and replaces current military justice code and creates the Oklahoma Uniform Code, bringing Oklahoma statute in closer alignment with federal law. The measure also:

- Shields officers during any court proceeding from liability for actions performed in their official duty;
- Expands employment discrimination protections to enlisted members of the Civil Air Patrol and certain military judges;
- Authorizes state military forces to protect assets vital to national security; and
- Requires the Secretary of State to collaborate with the Adjutant General in order to publish and archive all military publications on a biennial basis.

SB 931 creates the Veterans' Volunteer Guardianship Act, allowing courts to appoint volunteer guardians to veterans. Volunteer guardians

must comply with guardianship provisions currently in statute. The measure establishes veteran eligibility, guardian eligibility and the bond amount to be provided prior to appointment. The court is directed to notify the Secretary of the U.S. Department of Veteran Affairs of any guardianship proceeding involving a veteran receiving or eligible for benefits.

SB 1070 authorizes the Oklahoma Department of Veterans Affairs to construct a long-term care facility to replace the current center in Ardmore. The facility must be built in Ardmore or within 5 miles of the city limits.

SB 340 increases the maximum reimbursement amount for unpaid burial or cremation costs for veterans from \$500 to \$1,000 and eases reimbursement eligibility requirements. Previous eligibility standards required that the deceased veteran be homeless, not possess money for funeral expenses, and have no person obligated to pay for funeral expenses. The veteran must not have been in Department of Corrections custody at the time of death.

SB 670 authorizes active duty military personnel and their spouses to request a temporary, reciprocal occupational license in advance of a transfer to this state. Appropriate agencies and boards must verify the applicant has received equivalent training and education, and if so, issue the requested license within 30 days. Licensing agencies and boards

are directed to waive any application fee.

SB 358 requires the name of a veteran's spouse and percentage of the veteran's service-connected disability to be included on the Oklahoma Veterans Registry. The Oklahoma State Department of Health is directed to transmit to the Oklahoma Department of Veterans Affairs (ODVA) a list of deceased veterans.

HB 1296 authorizes the ODVA to employ or appoint an attorney to represent or advise the department and its employees.

HB 2075 allows the ODVA to contract with providers for services necessary to host or participate in seminars, receptions or similar events. If ODVA utilizes the services of outside contractors for an event, the director must provide monthly expenditure reports to the Oklahoma Veterans Commission and cannot spend more on food than the limit provided in the State Travel Reimbursement Act.

HB 2330 exempts ODVA from the Oklahoma Central Purchasing Act to allow ODVA to give bid preference to a veteran or majority veteran-owned business for contracts. Additionally, state agencies are required to list the headquarters location of any business awarded a contract. If the company is not headquartered in Oklahoma and was not awarded based on lowest price, the state agency must state its reason for choosing an out-of-state company.

SB 4 designates the second Saturday of each December as A Day of Remembrance in which the Governor may commemorate the soldiers buried at the Fort Gibson and Fort Sill national cemeteries.

SB 232 states the intent of the Legislature to establish Oklahoma as a Purple Heart State.

SB 135 exempts the ODVA from requirements of the Oklahoma Central Purchasing Act for the purpose of granting preference to veteran-owned businesses. ■



Appendix I

Summary of Vetoes

HB 1018 would have directed each school district in the state to provide age-appropriate instruction about HIV, AIDS and other related issues to students in grades five through 12.

Governor's Veto Message:

"Current law mandates the State Department of Health ('SDH') and the State Department of Education ('SDE') update HIV and AIDS education curriculum material as newly discovered medical facts become available, therefore making House Bill 1018's repeal and replace of statutory requirements unnecessary."

HB 1205 would have created the Oklahoma Home and Community Based Services Ombudsman Program Task Force to make recommendations to the Governor and Legislature regarding the implementation of a program to serve recipients of in-home and community-based services.

Governor's Veto Message:

"While I support the underlying purpose of this task force, I would like to address this matter through a more direct and effective means...I have tasked my Cabinet with analyzing every agency under their purview. I will...work with the authors of the legislation to implement any necessary changes discovered through our review of the agency."

HB 1940 would have clarified that a student may be excused from missing school for any school-approved activity or participation in extracurricular activities approved by the board of education or school principal.

Governor's Veto Message:

"House Bill 1940 makes it unclear as to who has the authority to define what constitutes 'valid excuse' as it relates to a child's absence(s) from

school. This uncertainty is not in the best interest of students."

HB 1968 would have changed the method by which a public employer recognizes a bargaining unit elected by municipal firefighters or police officers and would have eliminated the role of the Public Employee Relations Board. The measure also would have allowed settlement of a legal challenge or objection to an election request by arbitration or a ruling by the Labor Commissioner.

Governor's Veto Message:

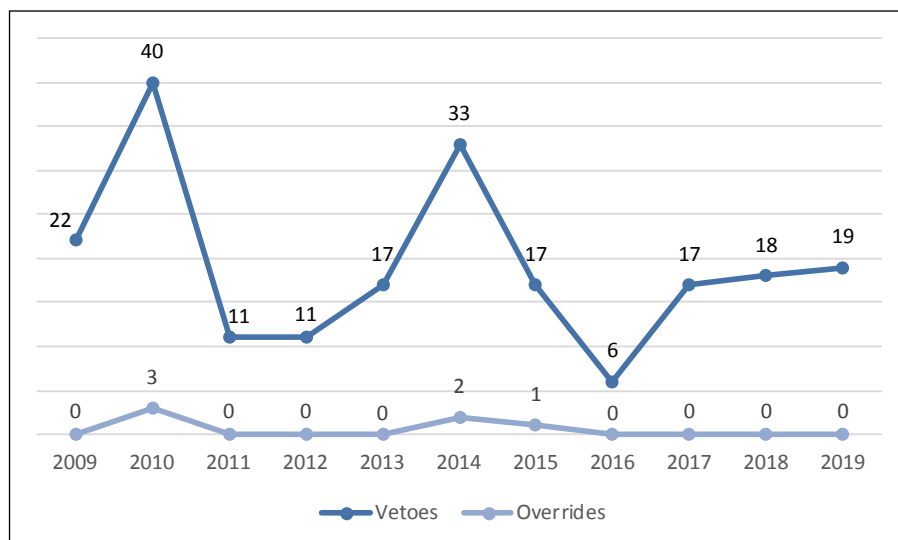
"House Bill 1968 would insert state governments into contract disputes between firefighter and police officer unions ('unions') and municipalities... The insertion of state government in these disputes is improper and not in the best interest of Oklahomans."

HB 1979 would have created a Traumatic Brain Injury (TBI) Task Force for the purpose of assessing the care of individuals with TBI and identifying areas needing improvement.

Governor's Veto Message:

"I support improving healthcare outcomes for...those with traumatic brain injuries [but] do not believe [this bill] is the most direct and effective way to do so... I will work directly with my Cabinet Secretaries and agency directors to address this issue..."

HB 2036 would have required the Department of Public Safety to develop a rule to allow a person to



apply for a replacement Oklahoma commercial driver license through a tag agency.

Governor's Veto Message:

"The State is currently modernizing the entire driver license system, including renewals, in order to move towards compliance with Real ID and improve the overall customer experience. Thus, HB 2036 is unnecessary."

HB 2289 related to liens on personal property and would have allowed for no more than two resubmissions of the title application for a lien within 30 business days of receipt of a denial of a prior application.

Governor's Veto Message:

"This would nearly double the amount of time a service provider can hold property without providing notice to other lien holders, including financial institutions and automobile dealers, resulting in devaluation of the property to occur. In addition, the increased length of time would unnecessarily increase consumers' costs for storage."

HB 2465 would have removed a requirement that a state employee use compensatory time, rather than sick leave, if sufficient hours are available. The measure also would have prohibited an agency from adjusting an employee's work week in order to reduce potential accrual of hours. Finally, the bill would have mandated overtime pay instead of compensatory time accrual for an employee with an annual salary of under \$31,000.

Governor's Veto Message:

"House Bill 2465 would, in part, require agencies to pay employees for overtime worked, even if said work was unapproved by the agency, and mandate certain employees be paid overtime instead of compensatory time, regardless of the desire of the agency or the employee... I believe a broader conversation needs to occur whereby we develop uniform across-

the-board policies for state agencies and employees..."

HB 2477 would have directed the Oklahoma Tax Commission to penalize noncompliant taxpayers with wage garnishment rather than revocation of state licenses held by the delinquent taxpayer.

Governor's Veto Message:

"House Bill 2477 would have a negative fiscal impact that has not been accounted for in the overall state budget for Fiscal Year 2020."

SB 44 would have defined *instructional expenditure* as expenditures related to salaries and benefits for teachers and certain other related positions, curriculum development, student assessments, technology for students, supplies and purchased services related to the previously listed expenditures.

Governor's Veto Message:

"The definition proposed does not align our state with the federal definition of instructional expenditure, which will not allow Oklahoma to measure our instructional expenditures across state lines."

SB 566 would have authorized private hunting guides to operate on public hunting land.

Governor's Veto Message:

"... The use of Department lands, paid for with fees, monies, or funds, for the monetary gain of private companies is not permitted pursuant to the Oklahoma Constitution. ... In addition, significant portions of Department managed lands are not Department owned and are subject to specific terms of the applicable agreements between the Department and the landowners. Senate Bill 566's mandate to allow private commercial hunting guides to operate on Department lands may force the Department to violate these agreements, which could result in the elimination of an unknown amount of acreage currently available to Oklahomans."

SB 134 would have exempted the Oklahoma Department of Veterans Affairs from having to obtain authorization from the Chief Information Officer of OMES prior to purchasing hardware, software or information technology services.

Governor's Veto Message:

"Senate Bill 134 would create a special exemption for the Oklahoma Department of Veterans Affairs ('ODVA') from the requirements of the IT Consolidation and Coordination Act. In additional [sic], the bill contradicts Executive Order 2019-03, as amended, which prohibits the hiring of IT related positions without prior written approval of the Secretary of Agency Accountability."

SB 251 would have required the Oklahoma Health Care Authority (OHCA) to contract with outside parties to handle the recovery of medical expenses paid on behalf of a Medicaid recipient who was injured or suffered an illness as a result of the negligence or act of another.

Governor's Veto Message:

"While the privatization of this function may have merit, it is not in the best interest of the State to further dilute the limited authority of the executive branch by placing the contract approval authority outside of the OHCA."

SB 685 would have allowed the Board of Podiatric Medicine and the State Board of Examiners of Perfusionists to review application for licensure and vote on them in between regular board meetings to expedite the licensure process.

Governor's Veto Message:

"Any action taken by the Board to approve applications by circularization would violate both the spirit and the text of the Oklahoma Open Meeting Act."

SB 841 would have created the Prescription Access and Affordability Act. The measure would have required pharmacy benefit managers (PBMs) to comply with certain access

standards and would have prohibited PBMs from taking certain actions. A similar bill, HB 2632, was enacted to address PBMs.

Governor's Veto Message:

“Senate Bill 841 attempts to regulate certain health plans sponsored by Oklahoma employers in such a manner that is preempted by, and disallowed by, federal law. Legislation in other states that is similar to Senate Bill 841 has been struck down for impermissibly attempting to regulate health plans governed by the Employee Retirement Income Security Act of 1974 (‘ERISA’).”

SB 1056 would have created an infrastructure revolving fund within DHS for the maintenance of the Robert M. Greer Center at the direction of the Legislature.

Governor's Veto Message:

“I share the legislature’s desire to address this pressing need... I direct that this money be expended at the direction of DHS in collaboration with the Legislature and my office.” ■

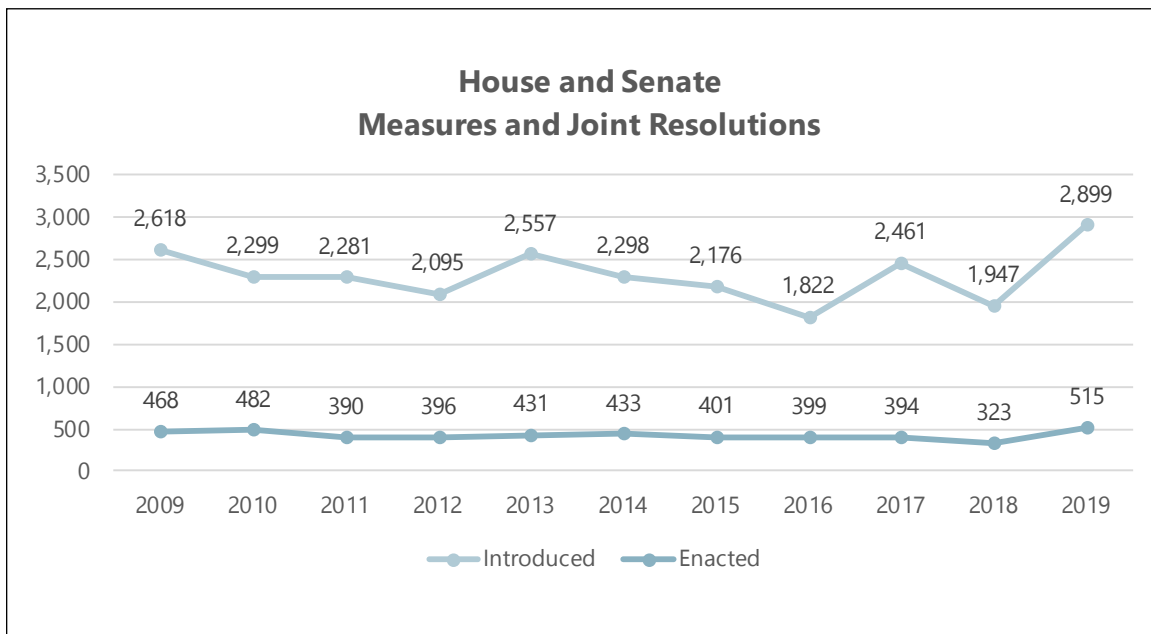
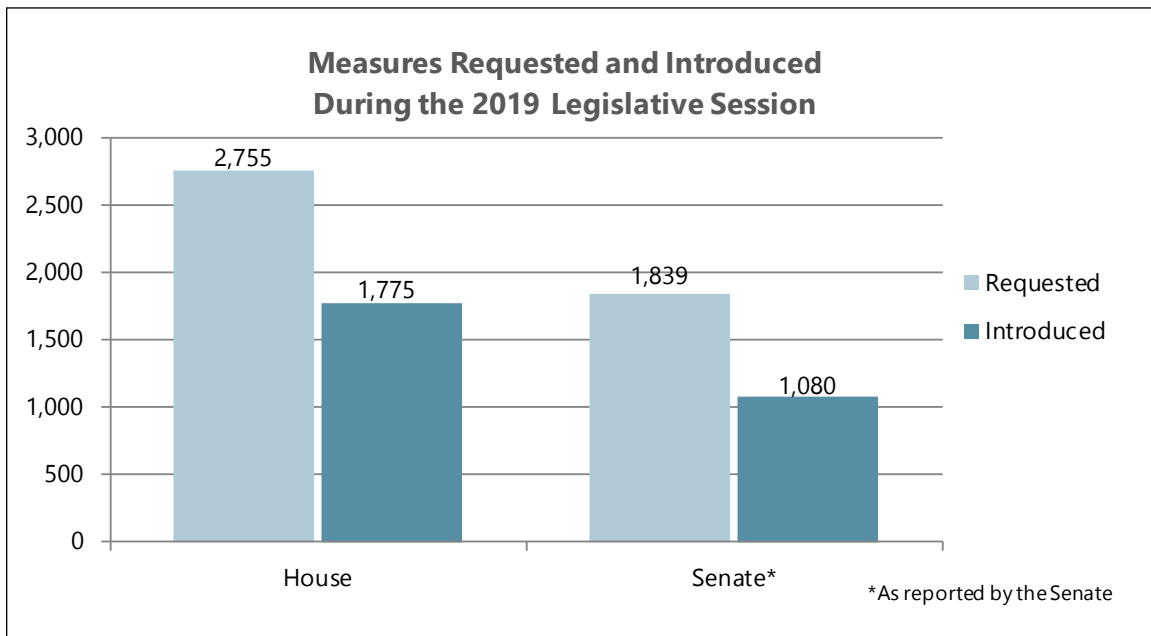


Appendix II

Legislative Production

	House Bills	House Joint Resolutions	Senate Bills	Senate Joint Resolutions
Requested	2,755	28	1,839*	*
Introduced	1,775	22	1,080	22
Sent to Opposite Chamber	404	2	454	1
Conference Granted	48	0	30	0
Sent to Governor	240	1	293	0
Approved by Governor	230	1	284	0
Filed with Secretary of State	0	0	0	0
Vetoed	9	0	7	0

*As reported by the Senate, includes SJRs





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