

Week In Review

Monday, March 30, to Thursday, April 2, 2009

Monday, March 30

- The Senate convened briefly on Monday and did not take up any legislation.
- Senate committees approved the following legislation on Monday:
 - HB 1330 by Rep. Mike Ritze, creates the Ten Commandments Monument Display Act, authorizing the State Capitol Preservation Commission to permit and arrange for the placement of a suitable monument displaying the Ten Commandments on state Capitol grounds.
 - HB 1061 by Rep. Ben Sherrer, allows a court clerk to charge and collect fees as determined by a municipal body.
 - HB 1800 by Rep. Marian Cooksey, increases from \$25 to \$75 the maximum court costs that a municipal governing body is allowed to determine by ordinance.
 - HB 1044 by Rep. Earl Sears, removes language that allows city manager appointments to not be residents of the city or state and the requirement that city managers reside within the city while holding office.
 - HB 1424 by Rep. Eric Proctor, requires any entity seeking a zoning change that involves multiple housing units to mail written notice within 30 days of the hearing to all registered voters within one-quarter of a mile of the affected area.
 - HB 1420 by Rep. Ed Cannaday, authorizes municipalities with populations of less than 5,000 to employ a part-time city planner.
 - HB 1473 by Rep. Mike Sanders, exempts from ordinances restricting land use and building construction parcels of 10 acres or more of land used for agricultural purposes annexed into the municipal limits at any time.

-HB 1608 by Rep. Dan Sullivan, allows public safety professionals to work in excess of eight hours per day.

-HB 2087 by Rep. Charles Joyner, authorizes municipal fire districts to conduct criminal history background checks before appointing a paid employee.

-HB 1872 by Rep. Jeff Hickman, removes language making licensed managed feeding operations liable for compliance with rules promulgated by the Oklahoma State Board of Agriculture regarding proper handling and disposing of swine waste.

-HB 2071 by Rep. Skye McNeil, prohibits the sale of any livestock at a livestock auction market in any name other than that of the seller.

-HB 2159 by Rep. Don Armes, exempts the sale of fireworks from emergency drought conditions and burning prohibitions.

-HB 2056 by Rep. Mike Thompson, creates the Fair Practices of Equipment Manufacturers, Distributors, Wholesalers, and Dealers Act.

- The House on Monday approved the following bills:

-SB 1103 by Sen. Glenn Coffee, creates the Use of Force for the Protection of the Unborn Act, which permits a pregnant woman to use force or deadly force to protect herself against any unlawful force or unlawful deadly force she reasonably believes to be threatening her unborn child.

-SB 349 by Sen. David Myers, allows the Department of Environmental Quality to collect administrative penalties under the Oklahoma Hazardous Waste Management Act.

-SB 406 by Sen. Brian Crain, authorizes the Insurance Commissioner to review specific financial circumstances and the history of a professional cash bondsman to determine whether to release a portion of his/her deposit.

-SB 418 by Sen. Randy Bass, modifies language related to the membership of the Commission on Consumer Credit.

-SB 428 by Sen. Jerry Ellis, prohibits the use of glass containers on boats, canoes, rafts and inflatable watercrafts in a scenic river area.

-SB 636 by Sen. Ron Justice, specifies the enforcement of commodity measurements for the State Board of Agriculture and requires the board to promulgate rules for the enforcement of two handbooks from the National Institute of Standards and Technology.

-SB 712 by Sen. Jay Paul Gumm, directs the Governor to order U.S. and Oklahoma flags on state property to be flown at half-staff on the day of the memorial service for any Oklahoman who lost his/her life while a member of the U.S. Armed Forces.

-SB 757 by Sen. Sean Burrage, directs the Oklahoma Health Information Security and Privacy Collaboration to evaluate potential barriers to the broad adoption of standards-based electronic health records and statewide health information exchange.

-SB 1178 by Sen. Jonathan Nichols, requires the Secretary of the Board of Medical Licensure to preserve a record of physicians applying for reinstatement of their physician's license.

-SCR 16 by Sen. Dan Newberry, opposes the creation of a global currency to replace the dollar.

- House committees approved the following bills on Monday:

-SB 318 by Sen. Mike Mazzei, replaces the state sales tax on eligible foods and beverages with an excise tax.

-SB 1125 by Sen. Anthony Sykes, grants any person who in good faith and exercising due care in making a report of alleged terrorist activity of another person or persons to a federal, state or local law enforcement officer or agency or other security personnel immunity from any civil or criminal liability that might otherwise be incurred or imposed.

-SB 518 by Sen. Ron Justice, adds "grandparent" to the definition of "members of the immediate family" for the purposes of victim impact statements.

-SB 342 by Sen. Brian Crain, creates a misdemeanor for electronically scanning bar-coded information on a driver license or identification card, compiling or maintaining a database of information from bar code information or purchasing, selling or disseminating information from bar code information to market, advertise, solicit or distribute samples of any product.

-SB 490 by Sen. Brian Crain, removes language making officers of the state, county, city, town or school districts jointly and severally liable in fraudulent claims brought by taxpayers.

-SB 615 by Sen. Brian Crain, prohibits liens from being effective against a grantee beneficiary until the expiration of a nine-month disclaimer period, unless the beneficiary exerts dominion over the real estate within nine months.

-SB 659 by Sen. Ron Justice, clarifies language related to post-adjudication review boards.

-SB 672 by Sen. Brian Crain, requires that the appeal of a decision of the district court in a civil action related to a person's incarceration or supervision while in custody of the Department of Corrections, a county or municipal jail or a private prison, adverse to a municipal, county or state employee or a person employed by a private prison.

-SB 699 by Sen. Brian Crain, clarifies language related to the Oklahoma Medicaid False Claims Act.

-SB 887 by Sen. Patrick Anderson, creates the Uniform Foreign-Country Money Judgments Recognition Act.

-SB 889 by Sen. Patrick Anderson, creates the Uniform International Wills Act.

-SB 989 by Sen. Patrick Anderson, states that individuals who are subject to conflict of interest that would likely preclude such person from fully performing his/her duties from being competent to serve as administrators of letters testamentary.

-SB 1020 by Sen. Jonathan Nichols, prohibits individuals from knowingly transmitting child pornography by the Internet or an electronic, photo-electronic or photo-optical system.

-SB 1033 by Sen. John Sparks, creates a felony for persons who wrongfully injure or remove any cervidae on the premises of a farmed cervidae facility, punishable by a minimum \$5,000 fine and/or imprisonment in the state penitentiary for up to two years.

-SB 401 by Sen. Brian Crain, allows deputy sheriffs to practice as an attorney or counselor at law.

-SB 804 by Sen. Brian Crain, directs the Physician Manpower Training Commission to establish the Rural Primary Care Physician Loan Repayment Program.

-SB 354 by Sen. David Myers, modifies income eligibility under the Oklahoma Higher Learning Access Program.

-SB 38 by Sen. Patrick Anderson, authorizes the Oklahoma Capitol Improvement Authority to acquire real property for Oklahoma Conservation Commission projects.

-SB 390 by Sen. Randy Brogdon, directs the Department of Human Services to establish a drug testing program for people applying for or receiving Temporary Assistance for Needy Families.

-SB 1076 by Sen. John Sparks, authorizes the disclosure of medical and social history in certain adoption cases when a minor is in legal custody of the Department of Human Services without any agreement and without redacting identifying information when the prospective adoptive parent is a kinship or relative caregiver for the minor.

SB 1029 by Sen. Steve Russell, requires the attorney or person facilitating a direct placement adoption of a minor in the state to prepare an adoption full disclosure statement, which must include the name and address of the attorney or person facilitating the adoption.

-SB 279 by Sen. Harry Coates, exempts the Office of Juvenile Affairs from a requirement to have its construction plans reviewed by the Construction and Properties Division of the Department of Central Services.

-SB 292 by Sen. Patrick Anderson, repeals language related to the schedule of benefits for Temporary Assistance for Needy Families for families with children born during the period in which the family is eligible for TANF.

-SB 339 by Sen. Patrick Anderson, directs the court at an emergency custody hearing or any other dispositional hearing to determine whether reasonable efforts have been made to place siblings together in the same foster care, guardianship or adoptive placement and provide frequent visitation in the case of siblings who have been removed and not placed together.

-SB 595 by Sen. Patrick Anderson, creates the Juvenile Justice Public Works Act to provide labor for community service to develop lands pursuant to public works projects.

-SB 990 by Sen. Charles Laster, modifies language related to the Oklahoma Open Records Act, stating that any document made available for public inspection online must have Social Security numbers and driver license numbers blocked before it is made available.

-SB 476 by Sen. Patrick Anderson, adds electronic transmission by a bill's author or an author's designee as a pre-filing delivery option.

-SB 1231 by Sen. Clark Jolley, creates the Task Force on the Mutualization or Privatization of CompSource Oklahoma.

Tuesday, March 31

- The Senate took no action on Tuesday.

- Senate committees approved the following measures on Tuesday:

-HJR 1016 by Rep. Mike Jackson, puts to a vote of the people a measure that would cap increases on the taxable fair cash value for locally assessed real property which has qualified for the homestead exemption at 3 percent per year.

-HB 1603 by Rep. Daniel Sullivan, requires a court to appoint an independent attorney in class actions, if a request for award of attorney fees is made, and directs that the independent attorney be awarded reasonable fees on an hourly basis out of the proceeds awarded to the class.

-HB 1769 by Rep. Paul Roan, designates the portion of State Highway 32 from Interstate 35 west to the Jefferson County Line as "State Representative Terry Hyman Memorial Highway".

-HB 1813 by Rep. T.W. Shannon, allows any oversized vehicle using auxiliary power or idle reduction technology for the purpose of fuel use and emissions reduction to be allowed an additional 400 pounds toward the total gross weight limit authorized for use in interstate or intrastate commerce.

-HB 1092 by Rep. John Trebilcock, allows driver licensees 30 days from the last day of the month of expiration to renew a driver license without additional charge.

-HB 1368 by Rep. Glen Bud Smithson, allows driving in a lane other than the right-hand lane when traffic conditions or flow or road configuration require the use of lanes other than the right-hand lane to maintain safe traffic conditions.

-HB 2013 by Rep. Kenneth Miller, directs the Department of Public Safety to adopt rules for an online verification system for motor vehicle liability policies.

-HB 1468 by Rep. Mike Jackson, modifies language related to the Oklahoma Quality Jobs Program Act.

-HB 1786 by Rep. T.W. Shannon, creates the Local Government Infrastructure Cost Recovery Payment Act.

-HB 2067 by Rep. Skye McNiell, creates the Oklahoma Community Economic Development Pooled Finance Act.

-HB 1953 by Rep. Chris Bengé, adds certain administrative facilities that provide support, repair and maintenance service activities for the wind industry to the Oklahoma Quality Jobs Program Act.

-HB 2247 by Rep. Randy Terrill, creates an income tax credit for 40 percent of the installation of a wind energy and/or photovoltaic energy system on residential and nonresidential property for tax years 2010 to 2014.

-HJR 1026 by Rep. Colby Schwartz, proposes a constitutional amendment allowing disabled veterans to claim a homestead exemption for the full amount of a manufactured home owned and occupied by the veteran as his/her principal residence.

-HB 1570 by Rep. Colby Schwartz, establishes that in any civil action for professional negligence, the plaintiff shall attach to the petition an affidavit saying the plaintiff has consulted with and obtained a written opinion from a qualified expert.

-HB 1600 by Rep. Dan Sullivan, modifies workers compensation time extension period relating to surgery recommendations for soft-tissue injuries.

-HJR 1041 by Rep. Chris Bengé, proposes a constitutional amendment related to the appointment of judges.

-HB 1734 by Rep. Ron Peters, modifies definitions under the Oklahoma Child Care Facilities Licensing Act.

-HB 1739 by Rep. Ron Peters, stipulates that in any proceeding of custody over a minor child, a determination by the court that one party is guilty of domestic violence, stalking or harassment shall mean that any type of custody by that party is not in the child's best interest.

-HB 1025 by Rep. Rex Duncan, makes it unlawful for any private employer to ask any applicant for employment information regarding whether he/she owns or possesses a firearm.

-HB 1063 by Rep. Ben Sherrer, creates the Oklahoma District Court Improvement Act.

-HB 1326 by Rep. Mike Reynolds, prohibits the conducting of nontherapeutic research that destroys a human embryo or subjects it to substantial risk or injury or death.

-HB 1411 by Rep. Jason Nelson, provides for a 10-year concealed handgun license in addition to the current five-year license.

-HB 1460 by Rep. Pam Peterson, allows the Oklahoma Attorney General or any district attorney to conduct investigations into persons currently or previously engaged in or attempting or conspiring to engage in the purchase, procurement or possession of child pornography.

-HB 1598 by Rep. Daniel Sullivan, creates the School Protection Act.

-HB 1674 by Rep. Edward Cannaday, allows anyone arrested by law enforcement solely for a misdemeanor traffic violation to be released on personal recognizance in certain circumstances.

-HB 1963 by Rep. Chris Bengel, creates the Task Force on the Mutualization or Privatization of CompSource Oklahoma.

-HB 2029 by Rep. Kris Steele, modifies language related to the Oklahoma Juvenile Code.

-HB 2057 by Rep. Mike Thompson, creates the Truth in Music Advertising Act.

-HB 2174 by Rep. Jason Nelson, requires rather than allows proceedings for adoption to be brought in the district court in the county where petitioners reside or the child to be adopted reside.

- The House met Tuesday, approving numerous appropriations bills and the following resolutions:

-HCR 1016 by Rep. John Wright, disapproves the Oklahoma Health Care Authority's permanent rules which allow a voter registration card or other acceptable documentation approved by OHCA as acceptable evidence to verify identity and citizenship.

-SB 894 by Sen. Glenn Coffee, clarifies language related to reporting child abuse.

-SB 248 by Sen. John Ford, provides exceptions for federal dams on Copan Lake and Hulah Lake from language relating to the Department of Wildlife Conservation's authority to maintain buoy lines, cable nets and other safety devices.

-SB 337 by Sen. Tom Adelson, amends HJR 1058 of the 51st Legislature, which authorized the Department of Human Services to sell a parcel of land in Tulsa County.

-SB 533 by Sen. Cliff Aldridge, modifies language related to uninsured motorist coverage.

-SB 564 by Sen. Charles Wyrick, authorizes the State Board of Agriculture to require more than the minimum \$25,000 surety bond for operating, conducting or maintaining a livestock auction market.

-SB 592 by Sen. John Ford, clarifies language related to the State Architectural and Interior Designers Act.

-SB 964 by Sen. Susan Paddack, modifies language related to the membership and duties of a Department of Health advisory committee.

- House committees passed the following measures on Tuesday:

-SB 817 by Sen. Randy Brogdon, modifies procedure for legislative approval or disapproval of administrative rules.

-SB 1133 by Sen. Clark Jolley, creates the Oklahoma Interventional Pain Management and Treatment Act.

-SB 741 by Sen. Clark Jolley, modifies language related to the Oklahoma Health Care Authority and the nursing Facility Quality of Care Fund.

-SB 546 by Sen. Jim Halligan, creates the Therapeutic Recreation Practice Act.

-SB 679 by Sen. David Myers, recreates the Oklahoma Geologic Storage of Carbon Dioxide Task Force.

-SB 953 by Sen. David Myers, creates the Oklahoma Clean Energy Independence Commission.

-SB 474 by Sen. Brian Bingman, authorizes electric suppliers to trim, remove and control trees and other vegetation to maintain electric lines.

-SB 257 by Sen. Kenneth Corn, allows the Board of Education of a technology center school district to convey surplus personal property to a technology center school district or the Oklahoma Department of Career and Technology Education.

-SB 668 by Sen. Cliff Aldridge, creates the Oklahoma Energy Independence Act, allowing a board of county commissioners, by resolution, to create a County Energy District Authority.

-SB 431 by Sen. Cliff Aldridge, authorizes boards of county commissioners to establish fines and penalties for offenses in violation of its zoning, subdivision and floodplain regulations.

-SB 348 by Sen. David Myers, increases the award amount that boards of county commissioners may offer for the arrest and conviction of persons stealing or defacing county roads signs or any other county property.

Wednesday, April 1

- The Senate approved the following bill on Wednesday:

-HB 1347 by Rep. Marian Cooksey, modifies the procedure for counties to dispose of equipment that originally cost more than \$500.

- Senate committees approved the following bills on Wednesday:

-HJR 1042 by Rep. Randy Terrill, proposes a constitutional amendment designating English as the official language of the state.

-HB 1332 by Rep. Lee Denney, creates the Oklahoma Pet Quality Assurance and Protection Act.

-HB 1890 by Rep. Phil Richardson, establishes a \$25 fee for a senior citizen lifetime combination hunting and fishing license.

-HJR 1003 by Rep. Charles Key, claims Oklahoma state sovereignty and serves notice to the federal government to cease and desist mandates that are beyond the scope of its constitutionally delegated powers.

-HB 1072 by Rep. Charles Key, modifies language related to the number of petition signatures required to become a recognized political party.

-HB 2246 by Rep. Randy Terrill, modifies language related to referendum and initiative petitions.

-HJR 1022 by Rep. Jason Murphey, proposes a constitutional amendment modifying terms of office for certain statewide elected officials.

-HB 1081 by Rep. Samson Ray Buck, modifies the procedure under which substitute candidates are to be offered when a political party's nominee for office dies before the time allowed to notify election boards of substitute candidates.

-HB 1322 by Rep. Mike Reynolds, orders a legislative referendum creating the Let the People Choose Act.

-HB 1329 by Rep. Mike Ritze, requires each candidate that files a declaration of candidacy to provide proof of identity and U.S. citizenship within 24 hours of filing for candidacy.

-HB 1999 by Rep. Harold Wright, grants the county election board the authority to determine if a ballot is valid and if the ballot should be counted in determining a recount.

-HB 1402 by Rep. Wes Hilliard, requires absentee voting boards to deliver to each voter confined in a veterans center.

-HJR 1014 by Rep. Leslie Osborn, proposes a constitutional amendment that prohibits the Legislature from making expenditures for any function of

government using a predetermined formula of any kind or by reference to the expenditure levels of any other state government or entity.

-HB 1579 by Rep. Charles Joyner, makes it unlawful for anyone to block a door or window during the commission of a crime or to prevent or delay the arrival or entry of law enforcement.

-HB 1834 by Rep. Rebecca Hamilton, makes unlawful female genital mutilation.

-HB 2264 by Rep. Mike Christian, makes it unlawful to possess, operate or install a radar detector in a commercial vehicle.

-HB 1030 by Rep. John Wright, adds home invasion to the list of crimes for which convicted persons must serve 85 percent of their sentence.

-HB 1032 by Rep. Jason Murphey, creates the Oklahoma State Government Modernization Act of 2009.

- The House met Wednesday and approved the following measures:

-SB 4 by Sen. John Ford, requires voters to provide proof of identity when voting.

-SB 718 by Sen. Don Barrington, modifies the time period given persons honorably discharged or on officially authorized leave from the U.S. Uniformed Services or their spouses to register to vote, allowing such individuals who returned home within 90 days preceding an election to vote a provisional ballot.

-SB 794 by Sen. Clark Jolley, directs the Department of Human Services to include statistics on unsuccessful adoptions when it publishes statistics on successful adoptions.

-SB 497 by Sen. Susan Paddack, requires school districts, during reporting of end-of-instruction test results under the Oklahoma School Testing Program Act, to include on individual student transcripts any business and industry-recognized endorsements attained by that student during the academic year.

-SB 527 by Sen. Roger Ballenger, requires an employer whose check to an employee was returned to reimburse the employee for any fees or costs incurred due to the bank's refusal to honor the check.

-SB 585 by Sen. John Ford, permits public educational institutions and their employees to keep confidential campus security plans.

-SB 1146 by Sen. Clark Jolley, establishes that, for low-point beer, no manufacturer shall terminate any agreement with a wholesaler unless the supplier establishes good cause.

- House committees approved several measures including the following on Wednesday:

-SB 812 by Sen. Gary Stanislawski, modifies the Consumer Protection Act, adding definitions of “credit reporting agency” and “business”.

-SB 539 by Sen. Jim Reynolds, requires law enforcement officers interviewing victims of violent crimes to make them aware of the services and resources available to victims.

-SB 803 by Sen. Anthony Sykes, eliminates the requirement that employees of Department of Corrections’ prison canteens be state employees.

-SB 1161 by Sen. Cliff Aldridge, authorizes the Department of Public Safety to determine the amount of security necessary for damage judgments in certain collisions.

-SJR 27 by Sen. Patrick Anderson, proposes a constitutional amendment increasing from 13 to 15 the membership of the Judicial Nominating Commission.

-SJR 5 by Sen. Jim Reynolds, proposes a constitutional amendment limiting the increase on the fair cash value of real property to 3 percent after Jan. 1, 2010.

-SB 1056 by Sen. Clark Jolley, creates the Patient Access Task Force.

-SB 1168 by Sen. John Ford, creates the 10-member Legislative Task Force on Achieving Classroom Excellence.

-SB 694 by Sen. Joe Sweeden, excludes the offspring of cloned horses from the definition of horse racing.

-SB 432 by Sen. Ron Justice, increases from 65 cents to \$1 per ton the semiannual inspection fee that a fertilizer distributor must pay to the State Board of Agriculture.

-SB 256 by Sen. Judy Eason McIntyre, authorizes the Oklahoma Historical Society to transfer all duties and obligation to the municipal governing body or a

public trust where the 1921 Tulsa Race Riot Memorial of Reconciliation is located.

-SB 1182 by Sen. Randy Brogdon, creates the Oklahoma Uniform Building Code Commission.

-SB 1022 by Sen. Bill Brown, allows the Insurance Commissioner to conduct financial and market conduct examinations.

-SB 1123 by Sen. Anthony Sykes, exempts from civil liability an owner, employee, participant, member or customer of a gun range, gun shop or gun club, who is acting in good faith and pursuant to the standards to the firearm industry for injuries to any person engaged in firearm activities on the premises of such range.

Thursday, April 2

- The Senate met briefly Thursday, taking no action on substantive bills.

Other News

- The most recent business conditions index for the Mid-America region this week showed Oklahoma's economy to be worsening for the third consecutive month. Between December 2008 and February 2009, the state lost approximately 12,000 jobs. The index anticipates that the state could lose 25,000 more jobs before the end of the third quarter.
- The Obama administration this week announced the state would be receiving \$126 million in guaranteed rural housing loans to help spur economic opportunities and home ownership in rural communities. The loans are part of a \$10 billion program through the U.S. Department of Agriculture.