

April 25th – April 29th, 2011

By Rep. Jeannie McDaniel

Weekly Wrap #12

This week marked the deadline for third reading of bills from the Senate chamber. Leadership voted to shorten this week to three, rather than four legislative days, which further reduced the amount of time in which a large number of bills could be heard and debated on the House floor. In three days our chamber heard 82 bills, which represented 64% of all Senate bills which were heard and passed from the House. I will try to give you an overview of some of the major bills. The last page gives a pretty thorough list of bills of interest. Some have been covered extensively in the media.

With just 4 weeks to go we have to pass a budget and move ahead with projects underway. This week marks a “first” as the legislature will be holding “conference committee” meeting which marks a departure from a long held practice of a “conference committee” meeting usually a signature on a document at one’s floor desk or in a hallway. This new move should allow for thorough vetting of bills that are changed during final hours. The public process will greatly enhance member’s ability to review bills in their entirety. In past sessions, it might take weeks to find final language contained in passed legislation.

Affirmative Action to the 2012 Ballot

On Wednesday night, the Oklahoma House of Representatives approved Senate Joint Resolution 15, a proposed constitutional amendment that will be decided by a vote of the people. The proposed amendment would effectively end affirmative action programs in state government, universities and colleges. This emotionally debated issue – put off until final hours of a long difficult week – played out after 8 p.m. The Chamber was noticeably empty during debate as many members had left for the week or listened from their offices. I opposed SJR15.

SJR 15 submits a proposed constitutional amendment to a vote of the people. The proposed amendment declares, “The state shall not grant preferential treatment to, or discriminate against, any individual or group on the basis of race, color, sex, ethnicity or national origin in the operation of public employment, public education or public contracting.” (SJR 15 passed the Oklahoma House of Representatives on a 59-14 vote. It now goes to the November 2012 ballot. It bypasses the Governor.)

On the topic of inequality, a recent report titled “Pulling Apart” noted that America is in a period of rapidly and steeply rising inequality. Research has found links between high levels of inequality and crime rates, health outcomes, and educational opportunities. Since disparities in wealth are tied to discrepancies in political influence, growing inequality can lead to loss of trust in government, declining political participation, and political polarization.

Female representation in the Oklahoma legislature is currently at 12.8%, which ranks our state as the 49th lowest in the country. South Carolina’s ranks dead last at 9.4% of female legislators.

I’d like to share an article (link below) that gives a glimpse of how far women have traveled since our early beginnings in the colonies. I’ve added this article to my Facebook page. I believe this serves to

remind us of the progress made to equalize the rights for all in this country and how much further we have to travel.

In "Poor Jane's Almanac", Jill Lepore writes an Op-Ed of a very interesting story of Benjamin Franklin and his sister, Jane Mecom. Their lives tell an 18th-century tale of two Americas. Against poverty and ignorance, Franklin prevailed; his sister did not.
<http://www.nytimes.com/2011/04/24/opinion/24lepore.html?emc=eta1>

Governor Signs Gun Rights Law

This week, Gov. Mary Fallin signed legislation that strengthens Oklahomans' Second Amendment rights. House Bill 1439 expands the right to use deadly force to business employees who have reason to fear death or great bodily harm. Previously, state law allowed individuals to use deadly force only in their homes; HB 1449 expands that right to include their place of business.

Legislation to Improve Payment of Death Benefits to the Families of Retired Teachers

HB2004 - Under legislation approved by both the Oklahoma Senate and House of Representatives and now headed to Gov. Mary Fallin's desk, the family members of a deceased member of the state teacher's retirement system could opt to have that money go directly to a funeral director or business and have that funeral business pay taxes on the benefits.

Currently, families must pay the taxes on death benefits, even if they go directly to a funeral home.

Legislation moving 2012 presidential primary heads to Governor

Following Senate passage this week, House Bill 1614 now awaits the governor's signature. The bill would move Oklahoma's presidential primary from February to March. New national rules adopted by Republicans and Democrats are forcing states like Oklahoma to move their primaries to March if they want to participate in the national conventions. Under the new national rules, only Iowa, New Hampshire, South Carolina and Nevada can have February, 2012 presidential primaries. Oklahoma's primary will be the first Tuesday in March, the earliest date allowed under the new rules.

Rail Expansion Bill Signed into Law

Gov. Mary Fallin has signed into law HB1686, the Eastern Flyer Passenger Rail Initiative. This measure originated as an interim study and has evolved through the process to emerge as a vehicle to advance mutual understanding of Transportation P3 (Public-Private Partnership) with the goal of extending passenger rail to Tulsa. The Heartland Flyer presently carries passengers from Ft. Worth to Oklahoma City, and according to studies done by the Texas Transportation Institute, small towns along the route are benefiting to the profit level of \$18 million in lodging, meals, shopping and entertainment, annually.

New projects either now in development or on the drawing board for future development could benefit from exposure to the proposed Tulsa route. Chandler, Bristow and Sapulpa are directly in line to receive rail traffic.

Good News for Hospitals!!!

HB1381 - The Supplemental Hospital Offset Payment Program Act cleared the Senate this past week. This would allow participating hospitals to levy a 2.5 percent fee on “net patient revenue,” according to the state hospital association. That revenue would trigger federal dollars that could be used to serve uninsured Oklahomans, primarily Medicaid recipients.

Bills of interest going back to the Senate....

School Vouchers and Tax Credits or Scholarships for the Needy?

SB969 - a school voucher bill which uses tax credits to provide money for private school scholarships. The bill would allow companies to donate as much as \$100,000 to a nonprofit organization that would award the scholarships. Couples could donate up to \$2,000, while individuals could donate up to \$1,000. The measure would allow a tax credit equal to 50 percent of the total amount of contribution to a nonprofit, scholarship-granting organization.

The total credit authorized could not exceed \$1.75 million annually. Scholarships funded through the tax credit program would serve children from low-income families and allow them to attend private schools. The privately funded scholarships would pay up to \$5,000 or 80 percent of the average per-pupil expenditure in the school district where the recipient student resides. Scholarships for special needs students under the bill would cover up to \$25,000. Or, it serves children who attend a school on the “needs to improve” list.

The measure further allows the same tax credit to any taxpayer who makes a contribution to an eligible educational improvement grant organization. For any taxpayer who makes a commitment to contribute the same amount for two additional years, the credit would be equal to 75 percent of the amount of the contribution. Overall, the bill provides for a maximum \$5 million in annual credits allowed – \$3.5 million would go to individual scholarships, while the remaining \$1.5 million would fund grants to help rural schools in areas where private school is not an option. (SB 969 passed the House of on a 64-33 vote. It now returns to the state Senate for further consideration.)

House Approves Teachers’ Retirement Reforms

SB377 will increase the retirement age for future teachers. The increased retirement age would apply only to those entering the Teachers’ Retirement System of Oklahoma on or after November 1, 2011. Under the bill, career teachers whose age and years of service equal 90 would be allowed to retire at age 60 in order to receive full benefits. Non-traditional teachers with fewer years of service could retire at age 65 with full benefits.

House Leadership explains SB377....The changes to the Oklahoma Teachers’ Retirement System take into account changes that have occurred since plan was established in 1943. During the 1940s, life expectancy was age 64, but the normal retirement age for teachers in the system was 70. Today, life expectancy is 78, but many teachers can retire in their 50s. Offering early retirement benefits coupled with increased longevity have been significant factors to the poor funding status of OTRS. The Teachers’ Retirement System of Oklahoma is currently one of the worst-funded public pension plans in the country at 48 percent funded with \$10.4 billion in unfunded liability.

The reforms in SB377 will help reverse that status. According to estimates, the proposed changes would produce \$1.4 billion in savings over the next 30 years, and achieve even greater savings of \$4.8

billion over 50 years. ***I am disheartened that we are changing the guidelines to reduce liability without regard to the fact we did not fulfill our obligation to “fund” the plan.*** One bright spot was that that “rule of 90” was left intact, which allows teachers to draw retirement earnings if their age and years of service total 90. The bill now returns to the Senate for consideration. SB377 passed the Oklahoma House of Representatives today on a bipartisan vote of 66-24. The bill now returns to the state Senate for consideration.

House Approves New Restrictions on Telemarketers

The Oklahoma House of Representatives voted this week to impose new restrictions on telemarketers. Senate Bill 398 amends the Telemarketer Restriction Act so that cell phone numbers and text messages are off-limits to telemarketers if a citizen is on the statewide registry for those not wishing to be contacted by telemarketers. SB 398 passed the Oklahoma House of Representatives on a 97-0 vote. The measure will now return to the state Senate for further consideration.

House Passes Bill to Prevent Political Violence

SB285 would make it a felony to willfully and knowingly enter a restricted area where state officials are being provided protection by the Department of Public Safety has passed the Oklahoma House of Representatives. The bill would also make it a felony to enter a restricted area to engage in violence or disorderly conduct and specifically mentions the Governor’s Mansion.

The measure was filed partly in response to the shooting of an Arizona congresswoman. If the offender is carrying a dangerous weapon or causes bodily harm, the penalty would be a fine of \$1,000 or imprisonment for up to 10 years. Otherwise, the penalty would be a fine of \$500 or imprisonment for up to one year. SB285 passed the House on a 69-23 vote. The legislation returns to the Senate.

Area Agency on Aging face changes for efficiency...

SB 483 - directs the Department of Human Services to develop a plan to be more efficient in the delivery of services to older Oklahomans by reducing the number of area agencies on aging from eleven to no more than six. Members questioned why a task force wasn't formed to look into the issue but were told we have too many studies.... Today most of the area agency on aging programs are managed by regional council of government boards made up of elected officials. SB 483 passed 56-35 and now goes to the Senate.

News and Issues

Oklahoma Department of Human Services officials are bracing for expected budget cuts by looking at reducing staffing levels and changing the eligibility for child care subsidies, according to a commission meeting report Tuesday. Director Howard Hendrick said the agency is anticipating about a \$39 million shortfall, based on the current state budget negotiations. By possibly changing the eligibility for child-care subsidies, fewer people would be able to qualify. The subsidy helps low-income families afford child care, and parents must be working or going to school.

Unintended Consequences

This last week a senior nutrition bill was amended to prohibit independent contractors from distributing federal funds for a program that feeds mothers, babies and small children. This move was an attack on Planned Parenthood of Arkansas and Eastern Oklahoma, which is among the nine independent contractors that administer the federal Women, Infants and Children feeding program. The bill, however, also inadvertently will prohibit Margaret Hudson and Morton Health Services in Tulsa

from participating in the WIC program, along with six OKC independent contractors. To put it in perspective, Planned Parenthood in Tulsa provides more than 42,000 caseload contacts a year, and collectively, the three Tulsa sites serve almost 16,000 individuals through about 76,000 site visits a year. The bill now returns to the Senate for final consideration.

Birther Bill SB91, passed late Wednesday evening, is legislation which requires future U.S. Presidential candidates to provide a copy of their photo I.D. and their birth certificate to the Oklahoma State Election Board as evidence of their eligibility to run for office.

Bills of interest/concern that passed this last week:

- HB 1381 by Rep. Doug Cox creates the Supplemental Hospital Offset Payment Program Act.
- HB 1550 by Rep. Sally Kern, states legislative intent that each district school board's policies facilitate that each student's academic progression be determined, in part, by reading proficiency and that each student and their parents be informed of the student's academic progress.
- HB 2024 by Rep. Daniel Sullivan modifies language applicable to actions in which the present value of the award of future damages equals or exceeds \$100,000.
- HB 1027 by Rep. Larry Glenn modifies language under the Compulsory Insurance Law, allowing dismissal with payment of court costs if security verification is presented to the court on the first scheduled appearance.
- HB 1418 by Rep. Dennis Ray Casey allows a board of education to request a national criminal history name search from a private company qualified to conduct such name searches that is approved by the Oklahoma State Department of Education.
- HB 1465 by Rep. Dennis Johnson, states that children who reach age 5 on or before July 1 are entitled to attend school free of charge in their residential district.
- HB 1554 by Rep. Sally Kern creates the Oklahoma Options Counseling for Long-term Care Program Act.
- HB 1614 by Rep. Gary Banz moves from the first Tuesday in February to the first Tuesday in March the date of the presidential preferential primary.
- HB 1676 by Rep. Lisa Billy prohibits the Board of Environmental Quality from promulgating rules regarding the use of sources of radiation by public safety bomb squads within law enforcement agencies of the state.
- HB 1750 by Rep. Jason Nelson, prohibits a public employee of an entity authorized to issue, revoke, suspend or deny a license from directly or indirectly coercing or directing a person who is seeking a license to pay, lend or contribute time or money to any party, committee, organization, agency or person for political purposes.
- HB 1979 by Rep. Anastasia Pittman creates the Oklahoma Freedom Trail Act.
- HB 2023 by Rep. Daniel Sullivan directs the amount paid for doctor, hospital, ambulance service, drug and similar bills incurred in treatment to be the amount admissible at trial in any civil case involving personal injury, not the amounts billed for expenses incurred in treatment.
- HB 2156 by Rep. Jason Murphey modifies how legislation moves between houses during the legislative process.
- SB 2 by Sen. John Ford requires the State Board of Education to adopt expected alternate year percentage growth targets.
- SB 664 by Sen. Eddie Fields decreases the percentage cap on administrative services for certain school districts.
- SB 260 by Sen. John Ford creates the John W. Bryant Charter School Sponsoring Commission Act.
- SB 610 by Sen. John Ford, exempts students who have received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year from achieving a minimum cumulative grade point average of 2.0 on a 4.0 scale for courses taken through the student's sophomore year and a minimum grade point average of 2.5 on a 4.0 scale for courses taken during the student's junior year and thereafter.
- SB 73 by Sen. Judy Eason McIntyre, designates "Swing Low, Sweet Chariot," as the state's official gospel song.
- SB 304 by Sen. David Holt designates the southbound bridge on U.S. 722/U.S. 281 crossing the Red River as "President George W. Bush Bridge."
- SB 567 by Sen. Patrick Anderson requires the Council on Law Enforcement Education and Training to establish and include evidence-based domestic violence and stalking investigation training.

-SB 952 by Sen. Jonathan Nichols, states that any person with intent to do bodily harm who commits assault on a person related by blood or marriage, a person with whom the defendant is in a dating relationship, an individual with whom the defendant has a child, a person who lives or formerly lived in the same household as the defendant with certain weapons, without intent to kill or commit a felony, shall be guilty of domestic assault or domestic assault and battery with a deadly weapon.

-SB 232 by Sen. Bryce Marlatt, creates a Task Force on Healthier Neighborhood Living.

-SB 13 by Sen. Mike Mazzei, modifies language related to the Ad Valorem Reimbursement Fund.

-HB 1304 by Rep. David Derby, directs all information technology assets of all state-appropriated agencies to be transferred to the Information Services Division of the Office of State Finance and the Chief Information Officer effective July 1, 2011.

-HB 1970 by Rep. Randy Grau, requires any physician giving or prescribing mifepristone or any abortion-inducing drug to first examine the patient.

-HB 2136 by Rep. Kris Steele, requires that the Department of Human Services' safety analysis include a criminal background check that will consist of inquiries into the Oklahoma State Bureau of Investigation and Federal Bureau of Investigation files of any adult known to be in the home of the child for whom a report of abuse or neglect has been received.

-HB 1010 by Rep. Randy McDaniel, modifies language related to members of the Uniform Retirement System for Justices and Judges whose initial service is performed on or after Jan. 1, 2012.

-HB 1086 by Rep. Jason Murphey, creates the Transparency, Accountability and Innovation in Oklahoma State Government 2.0 Act of 2011.

-HB 1207 by Rep. Jason Murphey, creates the Oklahoma Innovation, Efficiency and Accountability Act of 2011.

-HB 1223 by Rep. Mark McCullough, creates the Legal Services Reform Act.

-HB 1234 by Rep. Ben Sherrer, creates the Judge Gary Dean Courtroom Technology Act.

-HB 1251 by Rep. Wade Rousselot, allows rural water districts to take water from the Grand River and any of its tributaries in any quantities that may be needed by the rural water district without payment of any fee or charge for such water.

-HB 1343 by Rep. Eric Proctor, sets the requirements for a student to be eligible to participate in the Oklahoma Higher Learning Access Program and to qualify for an award, which includes payment of an amount equivalent to resident tuition or other tuition for the first semester or other academic unit of postsecondary enrollment.

-HB 1382 by Rep. Donald Condit, modifies language related to aggravated circumstances for murder, replacing reference to "guard" with "correctional employee" of a Department of Corrections institution.

-HB 1388 by Rep. Paul Roan, allows products and services provided by the Prison Industries Program of the Department of Corrections to be purchased by any office of the state.

-HB 1601 by Rep. Aaron Stiles, establishes the Oklahoma State Government Business Licensing One-Stop Program.

-HB 1652 by Rep. John Enns, exempts technology center school property from the places in which it is unlawful to carry a handgun.

-HB 1680 by Rep. Marty Quinn, modifies language related to criterion-referenced tests for public school students.

-HB 1815 by Rep. Danny Morgan, states legislative findings regarding compressed natural gas.

-HB 2116 by Rep. Jeff Hickman, delays from the 2011-2012 to the 2013-2014 school year the time by which every school district in Oklahoma must provide and offer a full six-hour day of kindergarten free of tuition for every child residing in the district who obtains the age of 5 on or before the first day of September during the school year kindergarten is offered.

-SB 969 by Sen. Dan Newberry, creates the Oklahoma Equal Opportunity Education Scholarship Act.

-SB 132 by Sen. Ron Justice, provides a tax exemption for taxable years on and after Jan. 1, 2016, for retirement income derived from any component of the U.S. Armed Forces in an amount not to exceed the greater of 100 percent of such benefits or \$12,000.

-SB 852 by Sen. Clark Jolley, defines "multi-unit structure" for the purposes of the Sex Offender Registration Act.

-SB 637 by Sen. Charles Wyrick, directs the Oklahoma Board of Commercial Pet Breeders to adopt rules that establish a toll-free hotline for people to report cases of animal abuse and require the complainants to leave their names and phone numbers.

-HJR 1045 by Rep. Brian Renegar, disapproves the Oklahoma State Board of Commercial Pet Breeder's permanent rules pertaining to licensing applications for commercial pet breeders.

-SB 122 by Sen. Mike Mazzei, delays apportionment of gross production taxes to the Oklahoma Water Resources Board Rural Economic Action Plan water projects fund until July 1, 2014.

- SB 194 by Sen. David Myers, modifies retirement options under the Teachers Retirement System.
- SB 285 by Sen. Kim David, exempts the governor's mansion and its grounds from requirements to be posted with signs warning against trespass.
- SB 492 by Sen. Sean Burrage, allows the Department of Human Services to petition the district court for certain orders if a vulnerable adult is suffering from abuse, neglect, self-neglect, financial neglect or exploitation.
- SB 494 by Sen. Don Barrington, creates the Oklahoma Private Lands and Public Recreation Act.
- SB 629 by Sen. Clark Jolley, modifies the Oklahoma carbon Sequestration Enhancement Act.
- SB 674 by Sen. Clark Jolley, requires that a search of the Oklahoma State Courts Network, the Child Care Restricted Registry and a national criminal history records search be conducted for individuals applying to establish or operate a child care facility.
- SB 798 by Sen. Clark Jolley, allows for a motion to protect and preserve abandoned or vacated property that is subject to suit, action or proceeding to foreclose or otherwise enforce the remedies in the mortgage, contract for deed or deed of trust.
- SB 867 by Sen. Anthony Sykes, prohibits certain state agencies from owning or leasing any telecommunications fiber networks used for conveying electronic communication or information systems data to multiple physical locations.
- SB 931 by Sen. Brian Bingman, requires the State Election Board to be comprised of three members and two alternate members.
- SB 935 by Sen. Brian Bingman, provides an ad valorem tax exemption for an entity which has been granted an exemption for a time period which included calendar year 2009 but which did not meet the base-line payroll requirements during calendar year 2009.
- HB 1465 by Rep. Dennis Johnson, modifies the date that determines the age for when children start school for attendance purposes.
- HB 1446 by Rep. George Faught, states that a person in the country illegally cannot solicit himself for work on public property.
- HB 1232 by Rep. Ben Sherrer, adds the word flood to existing laws that authorize governing bodies to close sections of road.
- HB 1953 by Rep. Skye McNeil, establishes the Oklahoma Quick Action Closing Fund which will be used by the Governor for economic development and infrastructure.
- HB 1488 by Rep. David Brumbaugh, extends the length of time for specific tax incentives from July 1, 2010 to July 1, 2022.
- HB 2140 by Rep. Kris Steele, consolidates various agencies.
- HB 1603 by Rep. Aaron Stiles, directs the court to provide for custody of a child when a parent has been deployed.
- HB 2004 by Rep. Joe Dorman, modifies language regarding qualified disclaimers for death benefits.
- HB 1998 by Rep. Joe Dorman, creates options for tax refund monies.

May is here! Let's hope the weather isn't as wicked as weeks past and we can enjoy spring days ahead. We should have our new district boundaries soon! I look forward to summer/interim and an opportunity to meet with you. Stay in touch.