

State of Oklahoma
House of Representatives

April 4th – April 8th, 2011

By Rep. Jeannie McDaniel

Weekly Wrap #9

We are now more than 2 months into a 4 month legislative session, with talk that we might adjourn as much as two weeks earlier than planned. We will need to work quickly to complete the work still on the table, such as our state budget for the next fiscal year, redistricting, and the many active bills that have yet to be heard by the full body of the House. Majority leadership in both the House and Senate have not yet unveiled budget solutions for the coming year, beyond statements that agencies should prepare for additional budget cuts of 7-10%.

The link below will connect you to the House floor calendar for us to consider next week. These are the Senate bills that have been voted out of committee and have been placed on the calendar for our consideration to pass. Please use this link if you want to listen or see where we are each day.

<http://www.okhouse.gov/FloorAgenda/Default.aspx>

Your emails are the easiest way for me to answer questions, or call my office at (800)522-8502 with questions or concerns.

Little known Oklahoma history....

“Swing Low, Sweet Chariot” was written in Indian Territory in 1862 by Wallis Willis, a Choctaw Freedman. The Red River reminded Wallis of the Jordan River, and the song was loosely based on the passage in the Bible that speaks of the Prophet Elijah being taken to heaven in a chariot. Senate Bill 73 proposes leaders officially designate “Swing Low, Sweet Chariot” the official gospel song of Oklahoma. (NOTE: *This might be the least contentious bill we pass this session.*)

Committee Meetings were quite lively this week

SB129 -An open-carry bill failed to pass out of a House committee this week by a vote of 9-8 against. SB129 originally would have allowed anyone 18 or older to openly carry a firearm in Oklahoma without a gun license. It was watered down in committee but still met resistance by the majority of members present. (NOTE – *it is very likely the bill will be heard again in one form or another. Remember – everything is in pencil until sine die.*)

SB637 Pet Breeders update... Federally licensed pet breeders would be exempt from meeting the rules and licensing requirements of a new Oklahoma board under a bill approved Wednesday by a state House committee. The president of Oklahoma Pet Professionals said nearly 111,000 puppies were sold by unlicensed breeders last year in the state. It's been estimated there are 2,000 unlicensed breeders in the state. Committee members took the action during a 90-minute meeting in which an attorney who said she represented commercial dog breeders had to be removed for making derogatory comments at a member of the newly created state pet breeders board, and a dog breeder who held up a copy of Adolf Hitler's book, “Mein Kampf,” and said the board wants to exterminate pet breeders. The Title was

restored on the bill in committee. NOTE: Rep. Renegar and Rep. Richardson – both veterinarians have co-authored the bill.

Senate Bill 576 - authorizes the Department of Human Services to release a “Most Wanted” list of delinquent or missing parents who owe child support also became law this week. Senate Bill 576 creates a new tool for DHS to find these parents when traditional means have been exhausted. The “Most Wanted” lists may include a delinquent parent’s name, photograph, last known address and amount of child support owed.

Bills signed into Law this week that made the news and impacted major changes...

Lawsuits - House Bill 2128 (Lawsuits) caps noneconomic damages (known as “pain and suffering” at \$350,000 in all civil actions. Under the bill, individuals could still receive unlimited awards for actual economic damages, such as lost wages and medical expenses. The \$350,000 limit on noneconomic damages can also be lifted in cases where the defendant is determined to have acted with gross negligence or with reckless disregard.

Senate Bill 862 – eliminates joint and several liability.

Senate Bill 865 – requires that juries be instructed in civil cases that no part of an award for damages for personal injury or wrongful death is subject to federal or state income tax; and the jury should not consider income taxes when determining a proper compensation award.

Many opponents voiced concerns that these bills are not the best way to protect innocent citizens and serve to usurp the work juries are intended to carry out. They point out we do not have a track record of runaway juries in Oklahoma. Attorneys on both sides of the aisle and issues debated their beliefs. Some expressed believe that ultimately the courts will determine whether this law is fair to all concerned. Those in favor believe these measures will be an economic boon to our state, attract businesses, reduce medical liability insurance premiums and the number of lawsuits filed against hospitals. (Reports show 30 states have passed similar hard caps on non-economic damages.) Those in opposition believe our jury system is the best place for these decisions to be made.

State School Board changes - Passing the House this week by a vote of 63-35 was **Senate Bill 435**, which allows the *newly-elected governor* to remove appointed Department of Education Board members serving currently and replace them with members distributed by Oklahoma’s five congressional districts, and one serving at-large from the state, along with the State Superintendent of Public Instruction as the final member. Appointed members would require confirmation by the Oklahoma State Senate.

End Social Promotion – Schools – SB345, legislation that would prevent Oklahoma schools from promoting third-grade students who cannot read at grade level. Students entering first grade in the 2011-1012 school year would be required to pass a reading test when they complete the third grade to be promoted to the fourth grade. (The bill allows for aggressive intervention in the first and second grades to avoid retention in the third grad and to also help schools better address a student’s challenges over several years.) The legislation now goes to the House floor. I oppose this bill because there are **no funds allocated** to provide the additional programs suggested in the bill language. I believe this decision is best left to parents, teachers and not a single test score.

Children of Incarcerated Parents Task Force

My bill: House Bill 1197 was signed into law this past week. HB1197 creates the Task Force for Children of Incarcerated Parents and seeks to get an accurate number of Oklahoma children who have a parent in prison and to understand the societal, educational and psychological issues those children face. I became concerned about the issue after participating on a panel in 2009 for the Oklahoma Institute for Child Advocacy legislative forum. She met grandparents raising grandchildren because of a parent in prison, children with incarcerated parents and a former female inmate who had a mother and daughter with prison records. Oklahoma ranks No. 1 in the nation in female incarceration and No. 5 in male incarceration, according to the Bureau of Justice Statistics.

Lisa Smith, OCCY, will head the project with representatives from Big Brothers Big Sisters, Girl Scouts of Eastern Oklahoma, the Tulsa Community Service Council and many others working in this field at the table. Dr. Laura Pittman, DOC and Dr. Susan Sharp, OU, have been great resources as well. We're extremely excited to get to work and prepare a thorough report for legislators and agency administrators to consider for future work with these families.

HB1194 (McDaniel, J.) – was also sent to the Governor – which assigns the Dept. of Human Services to provide medical records for children in DHS custody who are adopted. This was an agreement between the OK Health Dept. and DHS. While a “housekeeping” function, DHS is the resource for this data.

The following bills were approved by the Governor this week:

HB1008 - Tax credits; modifying reference to certain taxable years; modifying time period credits claimed
HB1197 - Children of Incarcerated Parents Task Force
HB1359 - Establishing Foster Care System Improvement Task Force
HB1441 - Pharmacies; maintaining emergency medication kit in certain facilities
HB1638 - Sole source contracts; health care professionals
HB1666 - Road signs be paid for by requesting party
HB2128 - Damages; limitations on damages; recovery cap on certain noneconomic damages
HB2139 - State Superintendent; expanding authority; State Board of Education; modifying powers and duties
HB2169 - Oklahoma Health Care Authority; authorizing funds
SB 16- County officers' salaries - increases optional
SB 59 - Schools - employee criminal history checks
SB 130 - Counties, financial and performance audits - County Budget Act - establishment of county records.
SB 131 - Schools - CLEET hearing procedure
SB 137 - Prisons and Reformatories conduct credits
SB 157 - Schools - CLEET breaks in service
SB 160 – Motor vehicle racing - creating the Municipal Motor Vehicle Racing Act
SB 179 - Cigars packaged in glass tubes exempt from law preventing sales of glass tubes.
SB 187 - Sheriffs - authorizing to perform duties
SB 263 - Schools - CLEET powers and duties - continuing education
SB 277 - Pre-lien notice - modifying procedures for pre-lien notices
SB 282 - Prisons and reformatories - Sex Offenders Registration Act - document filings
SB 287 - Banking procedures - clarifying when certain claim accrues
SB 443 - Motor vehicles - driver license examination, bicycle and motorcycle safety.
SB 553 - Duplicate sections
SB 576 - Child support arrearages - authorizing DHS to release list
SB 648 - Oklahoma Real Estate Commission - continuing education
SB 856 - Firearm transaction with licensed dealers or private sellers, unlawful conduct
SB 862 - Joint tortfeasor liability - civil action based on fault
SB 865 - Jury instructions - damage awards to reflect accurate tax ramifications
SB 940 - Civil procedure - service of process

The following bills were sent to the Governor this week:

HB1015 - Sunset; omnibus; re-creating certain entities; modifying termination date
HB1016 - Sunset; Polygraph Examiners Board
HB1017 - Sunset; State Board of Osteopathic Examiners
HB1018 - Sunset; Board of Podiatric Medical Examiners
HB1019 - Sunset; Oklahoma State Athletic Commission
HB1026 - Sunset; re-creating certain entities; modifying
HB1194 - Children; modifying certain health record requirements
HB1249 - Retrieval of animals on another's land
HB1323 - County Energy District Authority; modifying the authority
HB1374 - Schools; extending certain textbook contracts for certain time period
HB1377 - Mental health; Mental Illness Service Program
HB1380 - Schools; modifying teacher due process rights
HB1564 - Airspace Severance Restriction Act
HB1606 - Modifying custody presumption; mother of child out of wedlock receive custody
HB1669 - Condemnation of dilapidated buildings
HB1685 - Counties; purchasing; modifying report on consumables
HB1909 - Oil and gas; advanced horizontal drilling and spacing law findings
HB2017 - Medical Loan Repayment Program; removing maximum number to participate; maximum amounts
SB 92 - Poultry waste applicators - requiring training - penalty for non-compliance
SB 100 - Oklahoma Lighting Energy Conservation Act - repealing
SB 117 -County commissioner candidacy residency requirement
SB 145 - Oklahoma Energy Independence Act - membership of authority
SB 162 - County officers - retired district attorney authorized to carry badge and sidearm
SB 253 - Purple Heart Day - designating
SB 498 - Court reporters - courts to set salary rate for temporary court reporters
SB 657 - Electronic signatures - real estate transactions
SB 666 - State employee serving as reserve deputy sheriffs and police officers - leave
SB 921 - Bureau of Narcotics and Dangerous Drugs - special reserve agents

Closing state parks as part of the budget talks has sparked much discussion.

The parks scheduled for closure August 15th are:

- Adair State Park, Stilwell
- Beaver Dunes, Beaver
- Boggy Depot, Atoka
- Brushy Lake, Sallisaw
- Heavener Runestone State Park, Heavener
- Lake Eucha, Jay
- Wah-Sha-She, Copan