

SENATOR GARY STANISLAWSKI'S 2009 END-OF-SESSION REPORT SENATE DISTRICT 35

Dear Constituent:

I thought you might be interested in receiving some highlights of the 2009 legislative session. If you have any questions, call my office at 405-521-5624 or e-mail Stanislawski@oksenate.gov.



EDUCATION

In the area of common education, the Legislature focused on improving the performance and operations of schools, reducing the dropout rate, and education accountability. **HB 1461** requires schools that do not make **Adequate Yearly Progress** for two consecutive years and are identified for school improvement, to use the assistance of a school support team established by the State Department of Education.

HB 1864 allows school districts to adopt a policy that **changes the calculation of the school year from days to hours**. Specifically, the school year will consist of 1,080 hours of classroom instruction as opposed to the current school year of 175 days and provides flexibility to school districts in meeting the hourly requirement.

HB 1050 encourages school districts to develop **mentorship programs in order to reduce dropout rates**. The programs will provide high risk middle and high school students with comprehensive prevention and intervention assistance.

The Legislature took numerous steps to increase the protection of Oklahoma teachers. **HB 1598** creates the **School Protection Act** for the purpose of providing school employees the tools they need to undertake reasonable actions to maintain or-

der, discipline, and an appropriate educational environment.

GOVERNMENT MODERNIZATION AND AGENCY OVERSIGHT

A number of bills passed by the Legislature relate to government reform, efficiency, and agency oversight. **HB 1170** creates a plan to streamline the management of the state's information technology by creating a state **Chief Information Officer (CIO)**. This cabinet-level position will direct the Information Services Division of the Office of State Finance. The CIO will be charged with providing an accurate assessment of the state's strengths and deficiencies as it relates to information technology systems and cybersecurity. The CIO is authorized to approve all statewide contracts for software, hardware, information technology consulting services, and communication and telecommunications. The measure also requires that a net savings be realized for the state within two years of the CIO's appointment, with the expectation that the state will spend at least 15 percent less on information technology and telecommunications after implementation of the statewide plan.

HB 1032 creates the **Oklahoma State Government Modernization Act of 2009**. Under provisions of the

bill, all purchases made with state purchasing cards, or P-cards, will have to be reported to the Office of State Finance, which will then post those transaction details online. The legislation also amends the state Central Purchasing Act to allow Department of Central Services (DCS) personnel to make better use of **state spending patterns** to negotiate the best possible terms and prices for the state. The bill also seeks to make government more accessible by requiring state entities to provide the public with the option of **renewing or applying for various permits and licenses online**.

HEALTH CARE

How best to serve **children with autism** was a concern brought to the attention of the Legislature last year, and to address the issue the House conducted an extensive interim study. **SB 135** was a result of the findings. The measure will enhance the pool of service providers that treat children with autism by establishing a state license for Board Certified Behavior Analysts, increasing training for the evaluation and diagnosis of autism spectrum disorders, enhancing Sooner Start by training providers, conducting an applied behavior analysis research project, and replicating the Early Foundations program.

The House Health Care Reform Task Force studied the causes behind the large numbers of uninsured and developed recommendations to address the problem. The resulting measure, HB 2026, directs the Insurance Commissioner, the Oklahoma Health Care Authority (OHCA), and the State Board of Health to collaborate on the creation and administration of the Health Care for the Uninsured Board (HUB) within the State Department of Health. The purpose of the HUB is to establish a system of counseling, including a website, to educate and assist consumers in selecting an insurance policy or program that meets their needs.

PUBLIC SAFETY

The Legislature took numerous steps to increase the protection of Oklahoma citizens and enhance the capabilities of law enforcement this session.

SB 1102 creates **Juli's Law** and requires persons convicted of certain misdemeanor offenses to submit **DNA samples** for entry into the DNA database. The DNA database is used to match DNA found at crime scenes to known criminals.

Additional protections are offered to vulnerable senior citizens with the enactment of **HB 2030** which directs the Department of Public Safety to develop and implement a statewide **Silver Alert system**. The alert is to be activated on behalf of a missing senior citizen in cooperation with the Department of Transportation, Department of Human Services, any local law enforcement agency, the Oklahoma Association of Broadcasters, and any other appropriate state or local agency.

Responding to concerns over identity theft and the importance of driver licenses and state issued identification cards in a citizen's everyday life, **HB 1092** allows an expired **Oklahoma driver license to be considered a valid form of identification** for the purpose of renewing an

Oklahoma driver license if the license is not more than 30 days past expiration.

Improved efficiency for the Department of Corrections was the purpose of HB 2245 which creates the Oklahoma Criminal Illegal Alien Rapid Repatriation Act of 2009. The bill allows the Department of Corrections to release to the United States Immigration and Customs Enforcement a prisoner who is on a detainer for deportation if the prisoner has served at least one-third of the incarceration imposed. The measure provides that if the prisoner returns illegally to the United States, the prisoner will be required to serve out the remainder of the sentence and will be ineligible for parole. The measure clarifies the types of prisoners private facilities may hold in Oklahoma and prohibits private prisons located in Oklahoma from housing detainees designated as enemy combatants by the federal government or persons who are under federal, state, or local investigation or convicted of crimes of international terrorism or conspiracy to commit international terrorism or acts of hostile aggression against the United States or allies.

10 COMMANDMENTS MONUMENT

The Legislature also enacted a number of measures relating to general governance. HB 1330 creates the Ten Commandments Monument Display Act, which authorizes the State Capitol Preservation Commission or designee to erect a monument of the Ten Commandments on the State Capitol grounds. The monument is to be designed and constructed by private entities at no expense to the state.

TENTH AMENDMENT CONCURRENT RESOLUTION

On May 13, 2009, the Oklahoma Senate passed House Concurrent Resolution 1028 which cleared the House by a vote of 73-22, after HJR

1003 was vetoed by Governor Henry. HCR 1028 reasserts Oklahoma's sovereignty under the Tenth Amendment to the U.S. Constitution, and, according to the resolution's own language, is "serving notice to the federal government to cease and desist certain mandates." The Tenth Amendment states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

TORT REFORM

The Legislature was successful in enacting comprehensive tort reform. HB 1603 contains several provisions that, among others things, seek to reduce frivolous lawsuits, attract and retain doctors in the state, and provide business a more stable legal environment in which to operate. Provisions of the measure include:

- Capping noneconomic damage awards at \$400,000, while at the same time allowing some leeway to waive the cap under exceptional circumstances;
- Creating a task force to look into the state purchasing a reinsurance policy that would pay for any amount awarded that is greater than \$400,000 up to a maximum of \$20 million;
- Protecting food growers and manufacturers from obesity lawsuits; Simplifying and providing clarity to what qualifies as a frivolous lawsuit;
- Restricting "court shopping" in class action lawsuits; and
- Requiring an expert to certify that a professional negligence case has merit before it can proceed.

The bill also provides liability protections to teachers, gun manufacturers, emergency volunteers, and companies who have purchased other companies that have previous exposure to asbestos lawsuits.

STATE QUESTIONS

To be decided by a vote of the people in the November, 2010 election

- **COMMON SCHOOL FUNDING:** SQ 744 repeals a section of the State Constitution. The repealed section required the Legislature annually to spend \$42 for each common school student. The measure also adds a new Article to the Constitution. It sets a minimum average amount the State must annually spend on common schools. It requires the State to spend annually, no less than the average amount spent on each student by the surrounding states (Missouri, Texas, Kansas, Arkansas, Colorado and New Mexico).
- **VOTER IDENTIFICATION:** To prevent voter fraud in Oklahoma, SB 692 sends a State Question (SQ 746) to a vote of the people to require individuals voting in person to provide proof of identity, which includes government-issued photo identification or a voter identification card.
- **TERM LIMITS FOR STATEWIDE ELECTED OFFICIALS:** Voters will also be able to consider limiting the number of terms statewide elected officials can serve pursuant to a State Question 747 under SJR 12. Statewide officials would be limited to two terms, or eight years, with the exception of the Corporation Commissioners, whose two terms would equal twelve years.
- **LEGISLATIVE REDISTRICTING:** SJR 25 (SQ 748) amends Sections 11A and 11B of Article 5 of the State Constitution. The measure would change the name of the Apportionment Commission to the Bipartisan Commission on Legislative Apportionment. The membership would be changed from three members to seven members. The voting members of the Commission would consist of equal numbers of Republicans and Democrats. The Lieutenant Governor would be a nonvoting member, serving as chair of the Commission.
- **INITIATIVE PETITION SIGNATURE REQUIREMENTS:** SJR 13 (SQ 750) would amend Section 2 of Article 5 of the State Constitution. Under current law, eight percent of the voters must sign an initiative petition for a legislative measure. Fifteen percent must sign for a constitutional amendment. These percentages are based on the state office receiving the highest number of votes at the last General Election. This measure would make the percentage based on the number of votes cast at the last General Election for the Office of Governor.
- **ENGLISH LANGUAGE:** With the passage of HJR 1042, another State Question (SQ 751) will ask the people to establish English as the common and unifying language of the state of Oklahoma, requiring all official actions of the state to be conducted in English, unless otherwise required by federal law.
- **JUDICIAL NOMINATING COMMISSION:** SJR 27 (SQ 752) asks the people to consider a constitutional amendment to increase the membership of the Judicial Nominating Commission to allow one appointment each by the Speaker of the House and the President Pro Tempore of the Senate. The Judicial Nominating Commission nominates individuals to serve as judge or justice, in the case of a vacancy.
- **WORKERS' COMPENSATION COURT JUDGES:** A constitutional amendment requiring Senate confirmation of the Governor's appointments to the Workers' Compensation Court will be sent to the people under HJR 1041 (SQ 753).
- **STATE GOVERNMENT EXPENDITURE LIMITATIONS:** HJR 1014 (SQ 754) adds a new Section 55A to Article 5 of the Oklahoma Constitution. It would allow the Legislature to make decisions about the state budget and decide how much money to spend each year.

If you would like to receive regular e-mail updates about legislative issues, please send your e-mail address to Stanislawski@oksenate.gov with "E-mail Update" in the subject line.

As always, it is my pleasure to serve as the State Senator for District 35, and I welcome your input. If I can be of service to you in any way, please feel free to contact my office.

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