

# Legislative Report for the Office of Juvenile Affairs

Prepared by JLynn Hartman

- June 17, 2011 -

## 2011 – First Session of the Oklahoma 53<sup>rd</sup> Legislature

Deadlines		
√	12/10/2010	Bill Request Deadline
√	1/4/2011	Organizational Session Convenes at 12:00 p.m.
√	1/20/2011	Bill Introduction Deadline
√	2/07/2011	Session Convenes at 12:00 p.m.
√	2/28/2011	SBs Reported from Senate Committees Deadline
√	3/3/2011	HBs Reported from House Committees Deadline
√	3/17/2011	Third Reading in House of Origin Deadline
√	4/07/2011	HBs Reported from Senate Committees Deadline
√	4/14/2011	SBs Reported from House Committee Deadline
√	4/28/2011	Third Reading in Opposite House of Origin Deadline
√	5/27/2011	Sine Die Adjournment, no later than 5:00 p.m.

## 2011 Legislation

Senate Bills:	
<a href="#">SB137 Enr</a> Ford/Denney Effective November 1, 2011	Authorizes DOC to award conduct credits for an inmate who completes a bachelor's degree or an associate's degree; may reduce prison time.
<a href="#">SB247 Enr</a> **OJA Request David/Peters Effective May 26, 2011	Authorizes OJA to place a child in a state training school or secure facility, including a collocated secure facility or other institution or facility that is maintained, operated or contracted by the state for delinquent children, under certain circumstances. Directs OJA to certify secure facilities that are collocated and requires such facilities to meet applicable criteria of the federal Juvenile Justice Delinquency Prevention Act.
<a href="#">SB278 Enr</a> Stanislawski/Hickman Effective August 26, 2011	Permits an online charter school without a physical location; physical location of OJA charter school is clarified as separate from the proposed online charter school.
<a href="#">SB347 Enr</a> Mazzei/McDaniel(R) Effective August 26, 2011	Authorizes forfeiture of retirement benefits for municipal officers or employees upon final conviction, guilty plea or nolo contendere to specified crimes. (Current law for elected officials.)
<a href="#">SB541 Enr</a> Sykes/Murphey Effective August 26, 2011	Creates Oklahoma Innovation, Efficiency, & Accountability Act of 2011. Section 3, requires appropriated state agencies to provide information on all financial services employees to OSF. OSF is to report annually and determine the bottom 10%. The bottom 10% must contract with OSF for shared financial services (same as HB1207, Section 4).

<a href="#">SB553 Enr</a> Sykes/Jordan Effective March 18, 2011	Duplicate Sections. Em. OJA: 10:7003-1.1 & 7302-2.1; 10A:1-2-102;1-4-502;2-2-102.
<a href="#">SB623 Enr</a> Ford/Denney Effective July 1, 2011	State Employees Benefits Council. Beginning Jan. 1, 2012, EBC will contract with one or more providers of a TRICARE supplement product to eligible employees for flexible benefit related to TRICARE products. States the employee must pay any required premiums. Provides options to opt-out for active duty or retired uniform service members and their families, but not provided a flexible benefit allowance.
<a href="#">SB666 Enr</a> Marlatt/Jackson Effective August 26, 2011	Establishes emergency leave policy for state employees who are reserve municipal deputy sheriffs or police officers. Allows non-use of any accrued leave or a need to make up any time for those who miss work for those who are not in the performance of their duties while in cases of emergency. (Still defining 'emergency' definition.)
<a href="#">SB668 Enr</a> David/Peterson Effective November 1, 2011	Expands definition of co-occurring disorder to include a mental health disorder deemed to probably become a substance abuse disorder without intervention.
<a href="#">SB674 Enr</a> Jolley/Peters Effective November 1, 2011	Allows DHS to use other law enforcement agencies to conduct criminal background checks for any person making application to establish or operate a child care facility. Further authorizes OJA to do the same for any employee or applicant who has resided in OK for less than 3 years, or for any adult who moves into a foster family home. Extends the Juvenile Justice Reform Committee for one year, until 2012.
<a href="#">SB763 Enr</a> Jolley/Sullivan Effective November 1, 2011	Creates with the Attorney General an Office of Civil Rights Enforcement division to assume all functions, duties, contracts and responsibilities of the OK Human Rights Commission.
<a href="#">SB772 Enr</a> Jolley/Murphey Effective August 26, 2011	Creates the Business and Professional Licensure Facilitation Task Force to study centralized governmental models for facilitation of business and professional licenses and applications; requires submission of a report to the legislature by Dec. 1, 2011.
<a href="#">SB782 Enr</a> Mazzei McDaniel(R) Effective September 1, 2011	Pension Legislation Actuarial Analysis Act. Amends the deadline for completion of an actuarial investigation from Nov. 1 to Dec. 1. Eliminates requirement of the state pension system to submit annual report to the Pension Commission using standard actuarial assumptions.
<a href="#">SB794 Enr</a> Mazzei/McDaniel(R) Effective November 1, 2011	Creates the specific retirement age of 65 for all new OPERS members joining after Nov. 1, 2011. Allows current members to remain eligible to retire at age 60 with "Rule of 90" requirements (doesn't change Rule of 80). States elected officials on or after Nov. 1, 2011 will have the same benefit formula & contribution rate as regular OPERS members, with a retirement age at 65, or 62 with 10 years of service. Vesting increased from 6 years to 8 years. Early retirement increased from age 55 to age 60 for both regular & elected officials.
<a href="#">SB837 Enr</a> Jolley/Sullivan Effective November 1, 2011	Modifies language related to discriminatory practices in employment, housing & public accommodations; replaces references of 'handicap' with 'disability,' and adds genetic information to list of alleging discrimination.
<a href="#">SB840 Enr</a> Aldridge/McDaniel(R) Effective August 26, 2011	OPERS. States all administrative appeals from OPERS board are to be in Oklahoma County. Modifies deadlines and specific authority of hearing examiners. Gives OPERS Board jurisdiction over all disputes involving members and participating employers, including collecting contributions and increasing late charges. (OPERS request bill.)
<a href="#">SB923 Enr</a> Sykes/Johnson Effective November 1, 2011	Increases penalty for willfully aiding, encouraging or recruiting a minor for a criminal street gang from 1yr to 5yrs & from \$3K to \$5K; creates felony; caps at 10 years. Requires any school official who believes a student is involved in gang activity shall notify school district. The school district may report & such reporting provides immunity from civil action.
<a href="#">SB943 Enr</a> Anderson/Grau Effective November 1, 2011	Modifies language relating to procedures for judicial review & transmission of records to the reviewing court, the requirements for the service of certain petitions & increases the time period for transmitting certain records.
<a href="#">SJR15 Enr</a> Johnson/Osborn On November 1, 2011 ballot.	Proposes a constitutional amendment prohibiting the state from providing preferential treatment to or discriminating 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 contract.

<b>House Bills:</b>	
<a href="#">HB1010 Enr</a> McDaniel(R)/Mazzei Effective January 1, 2012	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. Retirement age is increased from age 65 to age 67 with 8 years of service. It changes from Rule of 80 or age 60, to age 62 with 10 years or more service (no longer a Rule of 80). Still has a 4% multiplier, when regular state employees have a 2% multiplier.
<a href="#">HB1035 Enr</a> Murphey/Jolley Effective November 1, 2011	Requires state agencies to use the Trip Optimizer system for vehicles used by state employees when the travel exceeds 100 miles/day & is not driving a state-owned or – leased dedicated vehicle; definitions; maximum reimbursement.
<a href="#">HB1044 Enr</a> Faught/Sykes Effective November 1, 2011	Requires state entities promulgating rules to cite state or federal authority; requires the Legislature to approve all admin rules related to fees & occupations; any Title 59 fees require approval by joint resolution; states if Legislature fails to approve rules within 30 legislative days it shall be deemed disapproved.
<a href="#">HB1062 Enr</a> Roberts(D)/Brecheen Effective November 1, 2011	State government; allowing participants to opt out of certain benefits with proof of coverage. Creates centers of excellence approach and a Health Savings Account to allow for the use of a personal healthcare account. OSEEGIB may not raise premiums to pay for it, must use reserves.
<a href="#">HB1086 Enr</a> Murphey/Jolley Effective August 26, 2011	Creates the Transparency, Accountability and Innovation in Oklahoma State Government 2.0 Act of 2011. Creates several sections. Section 8, aka the Oklahoma State Government Payroll Processing One-Stop Initiative, requires OSF to establish shared services for payroll processing in which all state agencies must participate, includes travel claims. Requires all Treasure payments be made electronically with limited exceptions. Creates state websites for government forms, geographic information, IT projects, and purchasing information.
<a href="#">HB1197 Enr</a> McDaniel(J)/Anderson Effective July 1, 2011	Creates the 21-member Children of Incarcerated Parents Task Force until 2-1-2012 to promote the safety & well being of certain children.
<a href="#">HB1207 Enr</a> Murphey/Sykes Effective August 26, 2011	Creates the OK Innovation, Efficiency & Accountability Act of 2011. Section 4 requires appropriated state agencies to provide information to OSF all financial services employees. OSF is to report annually on the financial services cost performance assessment & those in the bottom 10% must contract with OSF for shared financial services (same as SB541, Section 3). Section 5 modifies provisions on the employee payroll conversion banks to permit employees to accept shared leave as part of the 80 hours accumulated toward the conversion, contingent upon approval by the appointing authority.
<a href="#">HB1218 Enr</a> Kirby/Treat Effective November 1, 2011	Removes the exemption of counties with juvenile bureaus under the provisions of the OK Juvenile Code from provisions relating to employment of juvenile officers, salary limits, travel reimbursement and contracts with court-appointed special advocate programs.
<a href="#">HB1231 Enr</a> Ownbey/Mazzei Effective August 26, 2011	Clarifies that a state employee who is not in compliance with state income tax laws shall be terminated upon receipt of three notifications, regardless of agency.
<a href="#">HB1234 Enr</a> Sherrer/Burrage Effective November 1, 2011	Creates Judge Gary Dean Courtroom Technology Act. Authorizes the courts to use videoconferencing between a courtroom & a DOC correctional facility or an OJA juvenile detention facility for sentence reviews, post conviction relief hearings, delinquent and deprived actions, custody and adoption proceedings, commitment proceedings and extradition proceedings. Requires a waiver from the defendant or juvenile of the right to be present in the courtroom.
<a href="#">HB1271 Enr</a> Coody/Barrington Effective November 1, 2011	Modifies definitions relating to DMHSAS by expanding definition of a person needing treatment and the word dangerous.
<a href="#">HB1304 Enr</a> Derby/Jolley Effective August 26, 2011	Creates the Information Technology Consolidation and Coordination Act , which is to be administered by the Information Services Division of OSF and the CIO. Following assessment, all appropriated state agency IT assets shall be transferred to ISD by Jan. 1, 2012 & IT positions transferred by Feb. 1, 2012. Requires all state agencies to use certain OSF and CORE services, systems, software, processes and programs. Authorizes exemptions.

<a href="#">HB1358 Enr</a> Peters/Jolley Effective November 1, 2011	Protective orders, directing that if the defendant is incarcerated, the protective order is to remain in full force and effect during the incarceration and shall not be included in the calculation of the 3-yr time limitation of the order. (HB1360)
<a href="#">HB1359 Enr</a> Peters/Brinkley Effective April 6, 2011	Creates the 23-member Foster Care System Improvement Task Force until 1-1-2013 to compare outcomes to the standards of the Federal Children & Family Services Review, review current practices, study best practices, & identify specific areas.
<a href="#">HB1360 Enr</a> Peters/Jolley Effective November 1, 2011	Allows a court to enter an emergency protective order against an alleged perpetrator of a child who has been physically or sexually abused or neglected & allows the final PO to remain in effect until the case is dismissed or until further order of the court. POs issued over juvenile cases are to remain confidential, except to notify law enforcement. Violations to be the same as under the Protection from Domestic Abuse Act. (HB1358)
<a href="#">HB1438 Enr</a> Shannon/Jolley Effective November 1, 2011	Creates the OK State Government Asset Reduction & Cost Savings Program, directs DCS to publish on the 'data.ok.gov' website a report of state-owned properties.
<a href="#">HB1601 Enr</a> Stiles/Jolley Effective August 26, 2011	Creates the OK State Government Business Licensing One-Stop Program through OSF for real-time licensing and permitting to the public through website. Transfers certain assets and personnel from the Dept. of Commerce to Information Services Division of OSF.
<a href="#">HB1649 Enr</a> Quinn/Simpson Effective November 1, 2011	Removes language for OSBI to include units; unclassified; directing they include 9 admin & research positions & 5 data processing & it positions transferred from Criminal Justice Resource Center.
<a href="#">HB2033 Enr</a> Sullivan/Anderson Effective November 1, 2011	Modifies the Standards for Workplace Drug & Alcohol Testing Act; allows employer to request or require an employee to undergo drug or alcohol testing at any time the employer feels the employee may be under the influence-list; makes provisions for allowances and directions for refusal, definitions, testing, policy and notification.
<a href="#">HB2132 Enr</a> Steele/Bingman Effective August 26, 2011	Creates the Truth in Funding Act. Removes cost of living adjustments (COLAs) for non-fiscal retirement bills in the OK Pension Legislation Actuarial Analysis Act (OPLAAA). OPLAAA requirements include such bills may only be introduced in odd-numbered years & must provide adequate funding mechanisms to pay for the cost of any proposed amendment. (State agencies may now eliminate COLA assumptions.)
<a href="#">HB2136 Enr</a> Steele/Newberry Effective November 1, 2011	Requires DHS' safety analysis to include a criminal background check with OSBI & FBI of any adult known to be in the home of a child whom a report of abuse or neglect has been received; modifying abuse & neglect procedures. (SB674)
<a href="#">HB2140 Enr</a> Steele/Bingman Effective August 26, 2011	Creates the State Government Administrative Process Consolidation & Reorganization Reform Act of 2011. Directs certain agencies – Dept. of Central Services (DCS), Office of Personnel Management (OPM), OK State Employees Benefits Council (EBC), and OK State and Education Employees Group Insurance Board (OSEEGIB) – to consolidate within OSF as separate divisions under OSF. Requires OSF to consolidate all administrative functions, demonstrate a cost reduction equal to 15% of the appropriated agencies, and provide streamlining recommendations by Dec. 31, 2011.

<b>Appropriation Bills:</b>	
<a href="#">HB2170 Enr</a> Sears/Meyers Effective July 1, 2011	General Appropriation Bill; making appropriations to the executive, legislative and judicial departments of the state for fiscal year 2012.
<a href="#">HB2177 Enr</a> Sears/Meyers Effective July 1, 2011	Voluntary buy out agreements for state agencies; amends O.S. 74:840-2.28A, which establishes a statewide voluntary buyout program for certain retirement eligible state employees to extend the use of the reimbursement fund to June 30, 2012 (HB2363 2010).
<a href="#">HB2183 Enr</a> Sears/Meyers Effective July 1, 2011	Department of Human Services; making appropriations & limits.