

Downstream Authority of the Quapaw Tribe of Oklahoma Regular Meeting  
March 9, 2012

**Meeting Called to Order:** 10:15 am

<b>ROLL CALL:</b>	John Berrey, Chairman	Present
	Larry Ramsey, Secretary	Present
	Ranny McWatters, Treasurer	Present
	Marilyn Rogers, Member	Present
	Tamara Smiley, Member	Present

**DECLARATION OF QUORUM:** announced by Larry Ramsey

Meeting w/ Phil Ostander

Oklahoma Legislative Review

- See attached
- Discussion on support/campaign contributions – Alan and Phil work together
- Meet regularly (monthly)

General Manager

- Emergency Notice Contact policy
  - Security manager on duty will take care of it when HR is not available
  - Consensus of the DDA
- Deferred Comp
  - Auditors, McGladrey, is okay with the plan
  - Legal, not giving an opinion, neutral
  - Steve is meeting with another company next week that is experienced in plans like this to review

Adjourn 12:05 pm



## Quapaw 2012

### Bill Portfolio

#### 41 Bills On Report

**HB1612** **Paraphrase:** HB1612, by Rep. Gary Banz, R-Midwest City and Sen. Eddie Fields, R-Wynona, modifies allocation of the Oklahoma Education Lottery Trust Fund, directing 45 percent to the Common Education Lottery Revolving Fund created in the bill. It allows the fund to be invested by the state treasurer. It directs all monies accruing to the credit of the revolving fund be distributed by the State Board of Education to all common school districts based on the audited end-of-year average daily membership for the preceding school year beginning on or before Aug. 15, 2011, and on or before the 15th day of each calendar month thereafter. It directs that the Common Education Lottery Revolving Fund be expended only by common school districts for kindergarten through 12th grade public education, including but not limited to compensation and benefits for public school teachers and support employees and for early childhood development programs, including but not limited to costs associated with prekindergarten and full-day kindergarten programs. (Amended by House, Stricken Title, Carryover Bill) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Banz, Gary (H); Fields, Eddie (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:** 03/23/2011

**Committee(1):** Appropriations (S)

**HB2530** **Paraphrase:** HB2530, by Rep. Mike Brown, D-Tahlequah and Sen. Harry Coates, R-Seminole, creates the Oklahoma Clean Energy Finance Programs Act, directing the governor's energy office to oversee the program, select a program administrator and market the program to the general public. It creates the Clean Energy Program Fund within the State Treasury and the loan buy-down account and the loan loss reserve account within the fund. It directs the fund and accounts to consist of monies the Legislature may appropriate and any gifts, grants or donations. It directs all interest and income earned on the deposit and investment of monies in the program fund and accounts of the program fund to be used for the loan buy-down account and the loan loss reserve account. It states that the governor's energy office will make payments from the loan loss reserve account to compensate participating public lenders and private lenders for the uncollectable amount of clean energy loans any such lenders have written off. It prescribes a method for a

qualified borrower to apply for a clean energy loan. It states that no later than one year from the date of issuance of the first clean energy loan by a participating public or private lender and no later than the same date each subsequent year, the program administrator is to provide to the governor's energy office a report detailing its administration of the program since its inception. By Jan. 30, the bill requires the office to report to the relevant committee in the House and Senate regarding the program. (Amended by House, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Brown, Mike (H); Coates, Harry (S)

**Status:** Motion to Reconsider - House **Status Date:** 03/08/2012

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**HB2563** **Paraphrase:** HB2563, by Rep. Paul Wesselhoft, R-Moore, modifies qualifications for the Native American liaison, removing language requiring that he/she be an American Indian of at least one-fourth blood and replacing it with a requirement that he/she be a member of a federally recognized tribe with valid proof of membership. (Amended by House, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Wesselhoft, Paul (H)

**Status:** H General Order **Status Date:** 02/16/2012

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**HB2564** **Paraphrase:** HB2564, by Rep. Paul Wesselhoft, R-Moore and Sen. Gary Michael Stanislawski, R-Tulsa, states that agreements between the Department of Transportation and an Indian tribe or the Oklahoma Turnpike Authority and an Indian tribe for the maintenance and construction of transportation facilities, roads or bridges is not subject to a requirement for approval by the Joint Committee on State-Tribal Relations and the governor, or the Oklahoma Native American liaison as the designee of the governor. (Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Wesselhoft, Paul (H); Stanislawski, Gary Michael (S)

**Status:** H General Order **Status Date:** 02/21/2012

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**HB2654** **Paraphrase:** HB2654, by Rep. Fred Jordan, R-Jenks and Sen. Rob Johnson, R-Kingfisher, creates the Energy Litigation Reform Act, providing rules of construction to be applied by the courts in the construction of private agreements, statutes and governmental orders relating to the exploration for, operations for, producing of or marketing of oil or gas or disbursing proceeds of production of oil or gas. It states that a person is considered a reasonably prudent operator to perform any duties owned to any person under a private agreement, statute or governmental order relating to such actions and there shall not be implied any fiduciary duty, quasi-fiduciary duty or other similar special relationship in any private agreement, statute or governmental order relating

to such actions. The bill states that the Production Revenue Standards Act will provide the exclusive remedy to a person entitled to proceeds from the production for failure of a holder to pay the proceeds within the time required. It states that interest amounts are deemed to be adequate penalty for failure to pay proceeds within the required time periods, and no other penalty or damage can be recoverable in any litigation involving a claim for unpaid or underpaid proceeds from production, including punitive or exemplary damages or disgorgement damages. The measure requires any action to recover proceeds and interest be brought within five years if arising from written contract and within three years if not. It prohibits any action to recover interest from being brought more than seven years after the corresponding proceeds become due. The measure states that no action covered by the bill's provisions can be brought or maintained before complying with a requirement that each claimant provide written notice by certified mail of the alleged violation and the claimant has received notice that the claim has been denied or 30 days has passed from the date of receipt of the notice. The bill states that if an action is commenced for any claim under a private agreement, statute or governmental order relating to the exploration for, operations for, producing or marketing of oil or gas or disbursing proceeds of production of oil or gas and the action seeks certification as a class, the class representative must present to the court prima facie evidence of the claimant's own right to the requested relief before any proceedings are maintained to certify a class. It states any action to recover proceeds and interest must be brought within five years from the date the proceeds become due. (Amended by House, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 01/01/2013 **Emergency:** No

**Principal Authors:** Jordan, Fred (H); Johnson, Rob (S)

**Status:** H General Order **Status Date:** 02/29/2012

**HB2746** **Paraphrase:** HB2746, by Rep. Dan Kirby, R-Tulsa and Sen. Bryce Marlatt, R-Woodward, adds definitions of "amateur combative sports event" and "combative sports practitioner" to the Oklahoma State Athletic Commission Act. It modifies membership of the Oklahoma State Athletic Commission, and it expands the commission's jurisdiction to combative sports practitioners and combative sports events. It prohibits a person from promoting or participating in a professional combative sports contest or exhibition unless the event is sanctioned by the commission. It prohibits a person from promoting an amateur combative sports contest or exhibition, except for amateur mixed martial arts events sanctioned by the commission or school, college or university events. It provides penalties for second and subsequent violations of the act, stating that it is a felony, punishable by a fine of up to \$5,000 and/or incarceration in the county jail for up to one year or incarceration with the Department of Corrections for up to two years. (Amended by House, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Kirby, Dan (H); Marlatt, Bryce (S)

**Status:** S Dual Assigned Bill **Status Date:** 03/08/2012

**Committee(1):** Business & Commerce (S)

**Committee(2): Appropriations (S)**

**HB2833** **Paraphrase:** HB2833, by Rep. Scott Martin, R-Norman and Sen. Brian Bingman, R-Sapulpa, creates the Oklahoma State Facilities Energy Conservation Program, to which all state facilities are subject. It directs the director of the Office of State Finance or a designee to oversee development and implementation of the program, including selection of the most qualified vendor or vendors by using a request for proposal to contract for an organizational behavior-based energy conservation program. It states that the objective of the program includes promoting a centralized effort to gather information pertaining to energy use in state facilities and designating knowledgeable personnel to prioritize projects to make recommendations for conservation and benchmarking state facility energy usage and measure energy conservation savings using commercially available energy accounting software. It states that the target cumulative energy savings is not less than 20 percent by the year 2020 when compared to fiscal year 2012 utility expenditures. (Amended by House, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Martin, Scott (H); Bingman, Brian (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:** 03/08/2012

**Committee(1):** General Government (S)

**HB2839** **Paraphrase:** HB2839, by Rep. Scott Martin, R-Norman, requires the Department of Human Services to contact all tribal entities involved in gaming in the state in order to determine whether the tribal entity will assist DHS in the collection of child support arrearages through garnishment of winnings in a tribal casino. It requires DHS to provide a report to the Senate president pro tempore and House speaker no later than July 1, 2013, detailing the results of each contact. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Martin, Scott (H)

**Status:** H General Order **Status Date:** 03/01/2012

**HB2899** **Paraphrase:** HB2899, by Rep. Danny Morgan, D-Prague and Sen. Ralph Shortey, R-Oklahoma City, authorizes the director of the Oklahoma State Bureau of Investigation to appoint special officers that shall have enforcement authority related to the investigation of oil and gas industry crimes including the larceny of equipment, property, supplies or products. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Morgan, Danny (H); Shortey, Ralph (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:** 03/08/2012

**Committee(1): Public Safety (S)**

**HB2914 Paraphrase:** HB2914, by Rep. Phil Richardson, R-Minco, creates the Regional Water Planning Act. It requires Oklahoma to be divided into nine regions for the purposes of the act. It also creates a total of nine, 15-member Regional Water Planning Councils, to consist of one council for each of the nine regions. The bill provides for members' appointments by the House speaker, Senate president pro tempore, governor and boards of county commissioners and conservation district directors that have territory in a region. It also states that any federally recognized tribe whose tribal jurisdictional area is located within a region will be invited by the council to appoint a representative of the tribal government to serve as an ex officio nonvoting member of the council. It directs initial appointments to be made by Dec. 31, 2012. The bill directs councils to use the most recent update of the Oklahoma Comprehensive Water Plan as a guide and take into consideration other resources including but not limited to any water plans developed and submitted to the council by municipalities or special-purpose districts in the region. It requires each council to submit its regional water plan to the Oklahoma Water Resources Board for its review within 10 years following the effective date of the act. The measure states that upon availability of funds and subject to any appropriations that may be made by the Legislature to the Oklahoma Water Resources Board, funding to complete Phase 1 and Phase 3 of the council plans will be divided equally among the councils. (Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Richardson, Phil (H)

**Status:** H General Order **Status Date:** 03/01/2012

**HB2915 Paraphrase:** HB2915, by Rep. Phil Richardson, R-Minco and Sen. Ron Justice, R-Chickasha, requires a commercial water operation or system agreement to run with the land benefited and burdened and terminate upon the conditions stated in the agreement. It requires an instrument that creates a land right or an option to secure a land right in real property for a commercial water operation or system to be created in writing and filed in the office of the county clerk. It also provides information that must be included in the agreement. It prohibits any interest in any resourced located on a tract of land and solely associated with the groundwater to be severed from the surface estate except that such rights may be leased for a definite term. The bill prohibits an underground injection well, disposal well or commercial disposal well drilled or converted on or after the effective date of the act that will be in operation for more than six months from being located within one-half mile of a residential development. It states that the prohibition does not prohibit an operator of an underground injection well, disposal well or commercial disposal well and the owner of the occupied residence from agreeing in writing to setback provisions. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Richardson, Phil (H); Justice, Ron (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:** 03/08/2012

**Committee(1):** Energy (S)

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**HB2924** **Paraphrase:** HB2924, by Rep. Don Armes, R-Faxon and Sen. Bryce Marlatt, R-Woodward, requires any acquisition of water rights by eminent domain to be limited to a 10-year term. It also requires the taking of surface rights in relation to the acquisition of water rights to consist only of an easement for access, well sites, pipelines and other appurtenances necessary for the acquisition of water. It requires the municipality to remove any appurtenances above or below the condemned property within two years from the end of the term if the municipality determines the acquired water rights are no longer required. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Armes, Don (H); Marlatt, Bryce (S)

**Status:** H General Order **Status Date:** 02/15/2012

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**HB2929** **Paraphrase:** HB2929, by Rep. Don Armes, R-Faxon and Sen. Bryce Marlatt, R-Woodward, requires 50 percent of the credits accruing to the Community Water Infrastructure Development Water Plan for the Oklahoma Water Resources Board to be transferred to the Statewide Water Development Revolving Fund. (Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Armes, Don (H); Marlatt, Bryce (S)

**Status:** H General Order **Status Date:** 02/29/2012

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**HB3004** **Paraphrase:** HB3004, by Rep. Chuck Hoskin, D-Vinita and Sen. Sean Burrage, D-Claremore, requires one cabinet area appointed by the governor to consist of all the functions of all executive agencies, board, commissions and institutions related to Native American issues and state and tribal relations. It requires for the secretary of the cabinet area consisting of the areas of responsibility related to Native American issues and state and tribal relations to be the Oklahoma Native American liaison. It allows the secretary of Native American Affairs to receive a maximum salary of \$65,000. It requires any person appointed to the position of Oklahoma Native American Liaison to be a member of a federally recognized Indian tribe. It provides the powers and duties of the Oklahoma Native American Liaison. (Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Hoskin, Chuck (H); Burrage, Sean (S)

**Status:** H General Order **Status Date:** 03/01/2012

**HB3045** **Paraphrase:** HB3045, by Rep. Leslie Osborn, R-Tuttle, grants the governor the power to remove any officer appointed by him or her, removing language allowing such removal authority only in case of incompetency, neglect of duty or malfeasance in office. It grants the governor power to appoint and replace any gubernatorial appointments on any agency, board or commission, subject to the confirmation by the Senate. It removes language prohibiting members of the Tax Commission from being removed from office except for cause. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Osborn, Leslie (H)

**Status:** H General Order **Status Date:** 02/09/2012

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**HB3055** **Paraphrase:** HB3055, by Rep. Kris Steele, R-Shawnee and Sen. Eddie Fields, R-Wynona, creates the Water for 2060 Act. The bill states legislative intent to establish and work toward a goal of consuming no more fresh water in the year 2060 than is consumed statewide in the year 2012. The measure clarifies language pertaining to the Oklahoma Water Conservation Grant Program Act. The bill adds to the definition of communities to include one or more rural water districts or portions of water districts. The bill also adds projects promoting efficiency, recycling and reuse of water to the definition of pilot projects that serve as models for communities in the state. The measure creates the 15-member Water for 2060 Advisory Council and specifies membership eligibility and duties of the council. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Steele, Kris (H); Fields, Eddie (S)

**Status:** H General Order **Status Date:** 02/15/2012

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**SB1035** **Paraphrase:** SB1035, by Sen. Ron Justice, R-Chickasha and Rep. Jeff Hickman, R-Dacoma, creates the Oklahoma Surface Use and Damages Act. It clarifies that before entering a site for oil or gas operations, except in instances where there are unknown heirs, imperfect titles or surface owners or tenants whose whereabouts cannot be ascertained, the operator must give the surface owner and any surface tenant who has recorded with the county clerk a notice of tenancy a written notice of his intent to conduct oil or gas operations. The bill states that within five days of delivery or service of the notice, the operator and surface owner have a duty to enter into good faith negotiations to determine if the proposed use of the surface by the operator is reasonable under the circumstances and the value of any damages that will be incurred as a result of the proposed operation. It states that if the form of oil or gas operation is seismic exploration and the operator asserts the damages are equal to or less than the amount set forth in the small claims procedures, the operator may alternatively file a petition in the district court in the county in which the oil or gas operation is to occur, and the action will be conducted in accordance with the Oklahoma Small Claims Procedure Act. If the surface owner is allowed to transfer the action from the small claims docket, the bill states that the action will proceed as though it were filed for the appointment of appraisers. It states that the operator is only required to name as a defendant the surface owner or

owners, but any tenant is entitled to intervene in the action if requested. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Justice, Ron (S); Hickman, Jeff (H)

**Status:** Engrossed - Senate **Status Date:** 03/08/2012

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**SB1040** **Paraphrase:** SB1040, by Sen. Bryce Marlatt, R-Woodward and Rep. Don Armes, R-Faxon, changes the name of the Community Water Infrastructure Development Revolving Fund to the Community Water Infrastructure Development and Planning Revolving Fund and creates the Statewide Water Development and Planning Revolving Fund. (Amended by Senate, Stricken Title, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Marlatt, Bryce (S); Armes, Don (H)

**Status:** General Order - Senate **Status Date:** 02/27/2012

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**SB1043** **Paraphrase:** SB1043, by Sen. Bryce Marlatt, R-Woodward and Rep. Scott Martin, R-Norman, provides that a permitted entity has the option of changing the point of discharge from a designated stream to a designated lake, wetlands or other impoundment and back again once a permit for discharge into waters is obtained. It also creates notification requirements for such changes. (Amended by Senate, Stricken Title, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 01/01/2013 **Emergency:** No

**Principal Authors:** Marlatt, Bryce (S); Martin, Scott (H)

**Status:** General Order - Senate **Status Date:** 02/27/2012

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**SB1050** **Paraphrase:** SB1050, by Sen. Greg Treat, R-Oklahoma City and Rep. Leslie Osborn, R-Tuttle, removes reference to tribal environmental requirements as a provision the Corporation Commission may consider in evaluating requests from electric generation facilities seeking authorization of capital expenditures. It also removes reference to tribal agencies as it relates to the executive director of the Department of Environmental Quality coordinating with other agencies responsible for conducting separate permitting and environmental reviews of a refining facility. (Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Treat, Greg (S); Osborn, Leslie (H)

**Status:** H First Reading **Status Date:** 02/21/2012

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*talk to  
Jim Kent*

**SB1120** **Paraphrase:** SB1120, by Sen. Eddie Fields, R-Wynona and Rep. Harold Wright, R-Weatherford, modifies language related to the Oklahoma Alcoholic Beverage Control Act, removing language directing the advertised price of a mixed beverage to be the sum of the total retail sale price and the gross receipts tax levied thereon. (Amended by Senate, Stricken Title) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Fields, Eddie (S); Wright, Harold (H)

**Status:** H First Reading **Status Date:** 03/08/2012

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**SB1163** **Paraphrase:** SB1163, by Sen. Brian Bingman, R-Sapulpa and Rep. Guy Liebmann, R-Oklahoma City, permits costs resulting from a release from a storage tank system owned or operated by the state or federal government to be reimbursed from the Oklahoma Petroleum Storage Tank Release Indemnity Program. The bill also removes language allowing for reimbursement to state agencies for costs in excess of \$5,000 when the agency purchases property containing storage tanks for an owner or operator who otherwise would be eligible for reimbursements from the fund. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Bingman, Brian (S); Liebmann, Guy (H)

**Status:** General Order - Senate **Status Date:** 02/20/2012

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**SB1189** **Paraphrase:** SB1189, by Sen. Bryce Marlatt, R-Woodward and Rep. Mike Jackson, R-Enid, clarifies language related to the 2011 Shale Reservoir Development Act. The bill also modifies the definition of "associated common source of supply" by removing references to the term "multi-unit" and by adding the description that the supply is "located within the boundaries of a unit created through a horizontal well unitization." (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Marlatt, Bryce (S); Jackson, Mike (H)

**Status:** Laid Over - Senate **Status Date:** 03/05/2012

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**SB1192** **Paraphrase:** SB1192, by Sen. Mike Schulz, R-Altus and Rep. Fred Jordan, R-Jenks, modifies language related to the Airspace Severance Restriction Act. The bill also provides that no wind or solar energy agreement can prohibit the owner of the surface estate or mineral estate from granting agricultural, hunting or oil and gas leases or easement necessary for such leases. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Schulz, Mike (S); Jordan, Fred (H)

**Status:** General Order - Senate **Status Date:** 02/27/2012

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**SB1230**



**Paraphrase:** SB1230, by Sen. Mike Mazzei, R-Tulsa and Rep. David Dank, R-Oklahoma City, clarifies language related to Oklahoma Tax Commission's authority regarding the suspension, cancellation or revocation of a license or refusal to issue, extend or reinstate a license or permit. The bill removes the requirement for a hearing by the Tax Commission for persons that continue or threaten to continue unlawful operations after being notified of the suspension, cancellation, revocation, refusal to issue, extend or reinstatement. The bill clarifies that temporary restraining orders are to be issued by the district court. The bill creates felony to willfully and knowingly sell, purchase, install, transfer or possess any automated sales suppression device or other devices designed to reduce sales liability and sets the punishment as not less than one year or more than five years in prison and/or a fine not to exceed \$100,000. The bill also establishes an administrative fine of \$10,000 and directs that the fines collected be deposited in the General Revenue Fund. The bill also requires the Tax Commission to immediately revoke the sales tax permit of a person convicted of the crime and prevents the person from obtaining a sales tax permit for 10 years. (Amended by Senate, Stricken Title) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Mazzei, Mike (S); Dank, David (H)

**Status:** H First Reading **Status Date:** 03/01/2012

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**SB1231**



**Paraphrase:** SB1231, by Sen. Mike Mazzei, R-Tulsa and Rep. David Dank, R-Oklahoma City, changes the day of the month by which a person that has made a delivery sale, mailed or shipped cigarettes must file a memorandum or copy of the invoice with the Tax Commission from the 10th day of the month to the 20th day of the month. The bill also changes the day of the month from the 15th day to the 20th day for wholesalers to file monthly reports showing purchases and invoices. The bill also establishes that employers who are required to deduct and withhold individual income taxes to file a quarterly return on or before the 20th day of the month following the close of each calendar quarter. The bill also requires that every employer file the returns using the Tax Commission's electronic data interchange system and eliminates exemptions from using the system. The bill changes when a penalty or interest is imposed on employers that fail to file a return or pay withholding tax within the prescribed time from the last day of the month when due to within 15 days after the tax become delinquent. The bill changes when a penalty or interest is imposed on pass-through entities that fail to file a return or pay any amounts withheld or estimated payments within the prescribed time from the last day of the month when due to within 15 days after the tax become delinquent. The bill changes the day of the month on which taxes on low-point beer are due and payable from on or before the 10th day of each month for the preceding calendar month to the 20th day of the month for the preceding calendar month. The bill also changes from day of the month on which tax returns and the payment of excise tax and other

sums due from the shipment, importation or first sale of certain alcoholic beverages from not later than the 10th day of each month immediately succeeding the month of shipment, importation or first sale to the 20th day of the month immediately succeeding the month of shipment, importation or first sale. The bill changes the due date for remittance to the Tax Commission of the surcharge on local exchange telephone access lines that fund certain Department of Rehabilitation Services programs from no later than fifteen days following the end of each quarter to no later than 20 days following the end of each quarter. (Amended by Senate, Stricken Title) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 01/01/2013 **Emergency:** No

**Principal Authors:** Mazzei, Mike (S); Dank, David (H)

**Status:** H First Reading **Status Date:** 03/06/2012

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**SB1234** **Paraphrase:** SB1234, by Sen. Mike Mazzei, R-Tulsa and Rep. David Dank, R-Oklahoma City, limits a gross production tax exemption for the production of oil and gas from a horizontally drilled well producing prior to July 1, 2011, to \$50 million annually paid to all claimants. It requires the Oklahoma Tax Commission to determine the percentage of each claim that establishes the proportionate share of the refund that may be claimed by any taxpayer if total claims exceed \$50 million. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Mazzei, Mike (S); Dank, David (H)

**Status:** General Order - Senate **Status Date:** 02/23/2012

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**SB1257** **Paraphrase:** SB1257, by Sen. Susan Paddack, D-Ada and Rep. Lee Denney, R-Cushing, requires the secretary for the executive cabinet area relating to Native American affairs to be the appointed Oklahoma Native American liaison. It requires any person appointed to the position of Oklahoma Native American liaison to be a member of a federally recognized American Indian tribe or nation that has its primary tribal headquarters located in Oklahoma and removes language requiring the liaison be an American Indian of at least one-fourth blood. (Amended by Senate, Stricken Title) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Paddack, Susan (S); Denney, Lee (H)

**Status:** H First Reading **Status Date:** 03/08/2012

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**SB1297** **Paraphrase:** SB1297, by Sen. Brian Crain, R-Tulsa and Rep. Ron Peters, R-Tulsa, requires administrative law judges hired by the Oklahoma Tax Commission to have not been employed by the commission at least 24 months prior to their employment. The bill also establishes that a right to a hearing for the purposes of an appeal will be separate from the right to a hearing on matters pertaining to the assessment of tax or additional tax or denial of claims for refund by the

commission. The bill also provides a taxpayer may appeal directly to the Oklahoma Supreme Court for a trial de novo in cases regarding the assessment of tax or additional tax or denial of claims for refund by the commission when the disputed amount is \$15,000 or less and that the taxpayer or the Tax Commission may appeal directly to the Supreme Court if the amount is greater than \$15,000. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Crain, Brian (S); Peters, Ron (H)

**Status:** General Order - Senate **Status Date:** 03/01/2012

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**SB1325** **Paraphrase:** SB1325, by Sen. Brian Crain, R-Tulsa and Rep. Phil Richardson, R-Minco, creates a 15-member Water Infrastructure Financing Task Force until Dec. 31, 2012, to study the recommendations made in the Oklahoma Comprehensive Water Plan for the state's future water infrastructure needs over the next 50 years. It is required to submit a report to the governor, House speaker and Senate president pro tempore by Dec. 31, 2012. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Crain, Brian (S); Richardson, Phil (H)

**Status:** H First Reading **Status Date:** 02/29/2012

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**SB1327** **Paraphrase:** SB1327, by Sen. Brian Crain, R-Tulsa and Rep. Phil Richardson, R-Minco, directs the Oklahoma Water Resources Board to make full legislative recommendations necessary to promote and implement methods to conserve future water demands at moderate levels of conservation. It requires the OWRB to report the recommendations to the governor, the Senate president pro tempore and the House speaker no later than Dec. 31, 2012. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Crain, Brian (S); Richardson, Phil (H)

**Status:** H First Reading **Status Date:** 03/07/2012

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**SB1328** **Paraphrase:** SB1328, by Sen. Brian Crain, R-Tulsa and Rep. Phil Richardson, R-Minco, expresses legislative intent to appropriate additional funds annually to the Oklahoma Water Resources Board for the development and maintenance of a permanent statewide water quality and quantity program in addition to any state funding currently directed to various state and federal agencies involved in administering data collection programs for measuring water quality and water quantity. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Crain, Brian (S); Richardson, Phil (H)

**Status:** H First Reading **Status Date:** 03/08/2012

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**SB1400** **Paraphrase:** SB1400, by Sen. Rick Brinkley, R-Owasso and Rep. David Derby, R-Owasso, requires the Oklahoma Legislative Badge of Bravery to be awarded to a member of any branch of a state, county, municipal, school or tribal law enforcement agency, firefighter unit or other emergency responder unit who has voluntarily performed a deed of personal bravery or self-sacrifice involving risk of life that is so conspicuous as to clearly distinguish the person for gallantry and intrepidity above the person's peers. It lists requirements of eligibility to receive the Oklahoma Legislative Badge of Bravery. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Brinkley, Rick (S); Derby, David (H)

**Status:** General Order - Senate **Status Date:** 02/22/2012

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**SB1533** **Paraphrase:** SB1533, by Sen. Clark Jolley, R-Edmond and Rep. Tom Newell, R-Seminole, states legislative intent to make an appropriation to the Oklahoma State Athletic Commission. (Amended by Senate, Stricken Title, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Jolley, Clark (S); Newell, Tom (H)

**Status:** General Order - Senate **Status Date:** 02/27/2012

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**SB1601** **Paraphrase:** SB1601, by Sen. Sean Burrage, D-Claremore and Rep. Ron Peters, R-Tulsa, permits a fair association that qualifies as an organization licensee for the purposes of horseracing to apply to the Oklahoma Horse Racing Commission to conduct one race meet per year at the racing enclosure of another organization licensee in the state that agrees to host the race meeting. (Amended by Senate, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Burrage, Sean (S); Peters, Ron (H)

**Status:** General Order - Senate **Status Date:** 02/28/2012

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**SB1603** **Paraphrase:** SB1603, by Sen. Eddie Fields, R-Wynona and Rep. Phil Richardson, R-Minco, directs the Oklahoma Water Resource Board to organize nine Regional Water Planning Groups, or RWPGs, to advise the board as requested an advocate to the Legislature any recommendations the groups deem appropriate relating to water use and planning under the jurisdiction of the board, in implementing the recommendations of the Oklahoma Comprehensive Water Plan and as


directed by the board. The bill provides the method for appointing members to the groups. The bill provides that the groups will not have authority to conduct permitting activities or administrative functions under the jurisdiction of the board. The bill assigns each county to a regional group. The measure requires each group to adopt for use in its region a definition of in-stream or environmental flows necessary to provide a health ecosystem and support water-related industrial, agricultural, recreation, tourism and other non-consumptive needs appropriate to the region; a definition of excess and surplus water to be applied to the region; and an estimate of the amount of water to be appropriated within the region as necessary to prevent any anticipated gaps in surface water and alluvial groundwater or bedrock depletion according to the comprehensive water plan through 2060. The bill requires the Water Resources Board to determine the appropriate number of members for the groups, the qualifications for membership, their functions and duties, and the appropriate level of funding necessary to perform those duties not later than Dec. 15, 2012. The bill also requires the board to make legislative recommendation it deems necessary to implement the groups and no recommendations are permitted to be implemented until enacted by the Legislature. (Stricken Title, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Fields, Eddie (S); Richardson, Phil (H)

**Status:** General Order - Senate **Status Date:** 03/01/2012

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**SB1627**  **Paraphrase:** SB1627, by Sen. Brian Bingman, R-Sapulpa and Rep. Ron Peters, R-Tulsa, creates the Oklahoma Energy Initiative, which is designed to advance new research and development efforts related to energy. It creates the eight-member Oklahoma Energy Initiative Board. The bill charges the board with establishing procedures for the initiative and operations of the board. The bill also creates the Oklahoma Energy Initiative Revolving Fund into which all money received by the secretary of energy or other entity authorized to accept or expend funds on behalf of the board, included appropriated funds. (Amended by Senate, Stricken Title, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Bingman, Brian (S); Peters, Ron (H)

**Status:** General Order - Senate **Status Date:** 02/27/2012

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**SB1628**  **Paraphrase:** SB1628, by Sen. Brian Bingman, R-Sapulpa and Rep. Ron Peters, R-Tulsa, deletes references to the Bartlesville Energy Research Center regarding the use of funds from the Interstate Oil Compact Fund of Oklahoma and replaces it with the Oklahoma Energy Initiative. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Bingman, Brian (S); Peters, Ron (H)

**Status:** General Order - Senate **Status Date:** 02/27/2012

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**SB1665 Paraphrase:** SB1665, by Sen. Rob Johnson, R-Kingfisher and Rep. Fred Jordan, R-Jenks, creates the Energy Litigation Reform Act. The bill establishes rules of construction to be applied by the courts in the construction of private agreements, statutes and governmental orders relating to the exploration for, operations for, producing of, or marking of oil or gas or disbursing proceeds of production of oil or gas. The bill also establishes terms to apply to any action brought to recover proceeds an interest or either proceeds or interest under the Production Revenue Standards Act. The bill also sets specific requirements for filings. (Amended by Senate, Stricken Title) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 01/01/2013 **Emergency:** No

**Principal Authors:** Johnson, Rob (S); Jordan, Fred (H)

**Status:** General Order - Senate **Status Date:** 02/27/2012

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**SCR0025 Paraphrase:** SCR0025, by Sen. Brian Crain, R-Tulsa, directs the Senate president pro tempore and House speaker to work in conjunction with the governor to negotiate all relevant water issues with sovereign nations in the state by utilizing members of the Joint Committee on State-Tribal Relations. It directs the members of the joint committee to inform members of the Legislature through reports to the Senate president pro tempore and House speaker of the ongoing status of negotiations as often as necessary and appropriate. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Crain, Brian (S)

**Status:** S First Reading **Status Date:** 02/06/2012

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**SCR0027 Paraphrase:** SCR0027, by Sen. Jerry Ellis, D-Valliant, resolves to promote sustainable practices in the development of the state's natural resources to ensure a sustainable partnership of government, people and the business and industries located in the state. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Ellis, Jerry (S)

**Status:** S First Reading **Status Date:** 02/06/2012

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## Quapaw/DownStream Gaming 2012

### Bill Portfolio


#### 27 Bills On Report

**HB1261**  **Paraphrase:** HB1261, by Rep. Wade Rousselot, D-Wagoner, requires that no sales tax be levied on a fraternal organization operating under a lodge system that is exempt from taxation by the U.S. Internal Revenue Service. (Carryover Bill, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2011 **Emergency:** Yes

**Principal Authors:** Rousselot, Wade (H)


**Status:** Failed Deadline **Status Date:** 03/01/2012

**HB1407**  **Paraphrase:** HB1407, by Rep. Paul Wesselhoft, R-Moore, directs the Oklahoma Lottery Commission to withhold lottery prize monies won by an individual until the individual provides proof of health insurance coverage for themselves. (Carryover Bill) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2011 **Emergency:** No

**Principal Authors:** Wesselhoft, Paul (H)

**Status:** Failed Deadline **Status Date:** 03/01/2012

**HB1612**  **Paraphrase:** HB1612, by Rep. Gary Banz, R-Midwest City and Sen. Eddie Fields, R-Wynona, modifies allocation of the Oklahoma Education Lottery Trust Fund, directing 45 percent to the Common Education Lottery Revolving Fund created in the bill. It allows the fund to be invested by the state treasurer. It directs all monies accruing to the credit of the revolving fund be distributed by the State Board of Education to all common school districts based on the audited end-of-year average daily membership for the preceding school year beginning on or before Aug. 15, 2011, and on or before the 15th day of each calendar month thereafter. It directs that the Common Education Lottery Revolving Fund be expended only by common school districts for kindergarten through 12th grade public education, including but not limited to compensation and benefits for public school teachers and support employees and for early childhood development programs, including but not limited to costs associated with prekindergarten and full-day kindergarten

programs. (Amended by House, Stricken Title, Carryover Bill) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Banz, Gary (H); Fields, Eddie (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:** 03/23/2011

**Committee(1):** Appropriations (S)

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**HB1963** **Paraphrase:** HB1963, by Rep. Ron Peters, R-Tulsa, modifies language related to the prohibition of any person under the age of 21 years to be in the possession of any beverage containing more than 3.2 percent alcohol by weight or any low point beer. It removes the language of low-point beer and defines beer as any beverage containing more than one-half of 1 percent of alcohol measured by volume and obtained by alcoholic fermentation of an infusion or decoction of barley, or other grain, malt or similar products. It includes beer, ale, stout, lager beer, porter and other malt or brewed liquors under the definition of "beer." (Carryover Bill) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 01/01/2012 **Emergency:** No

**Principal Authors:** Peters, Ron (H)

**Status:** Failed Deadline **Status Date:** 03/01/2012

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**HB2597** **Paraphrase:** HB2597, by Rep. Corey Holland, R-Marlow, removes the 45 percent allocation of the Oklahoma Education Lottery Trust Fund to tuition grants, loans and scholarships for students to attend Oklahoma colleges and universities or Oklahoma Department of Career and Technology Education institutions, and it increases to 90 percent the allocation to kindergarten through 12th grade public education and early childhood development programs. It removes subsequent references to use of the fund by the Oklahoma State System of Higher Education and career and technology education. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Holland, Corey (H)

**Status:** Failed Deadline **Status Date:** 03/01/2012

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**HB2746** **Paraphrase:** HB2746, by Rep. Dan Kirby, R-Tulsa and Sen. Bryce Marlatt, R-Woodward, adds definitions of "amateur combative sports event" and "combative sports practitioner" to the Oklahoma State Athletic Commission Act. It modifies membership of the Oklahoma State Athletic Commission, and it expands the commission's jurisdiction to combative sports practitioners and combative sports events. It prohibits a person from promoting or participating in a professional combative sports contest or exhibition unless the event is sanctioned by the commission. It prohibits a person from promoting an amateur combative sports contest or exhibition, except for amateur mixed martial arts events sanctioned by the commission or school, college or university

events. It provides penalties for second and subsequent violations of the act, stating that it is a felony, punishable by a fine of up to \$5,000 and/or incarceration in the county jail for up to one year or incarceration with the Department of Corrections for up to two years. (Amended by House, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes


**Principal Authors:** Kirby, Dan (H); Marlatt, Bryce (S)

**Status:** S Dual Assigned Bill **Status Date:** 03/08/2012

**Committee(1):** Business & Commerce (S)

**Committee(2):** Appropriations (S)

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**HB2754**  **Paraphrase:** HB2754, by Rep. Richard Morrisette, D-Oklahoma City, adds a definition of "breakopen ticket machine" under the Oklahoma Charity Games Act. It authorizes the Alcoholic Beverage Laws Enforcement Commission to permit licensed charity organizations to use electronic breakopen ticket game machines. It establishes qualifying criteria for the machines. It prohibits licensed organizations from placing more than 20 breakopen ticket machines within the building in which its operation is located. The bill establishes a \$500 fee for organizations to install the machine. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Morrisette, Richard (H)

**Status:** Failed Deadline **Status Date:** 03/01/2012

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**HB2795**  **Paraphrase:** HB2795, by Rep. Charles Ortega, R-Altus, prohibits a license from being issued from the Oklahoma State Athletic Commission to any individual under age 18 to compete in any professional combative sports or amateur mixed martial arts. (Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Ortega, Charles (H)

**Status:** Failed Deadline **Status Date:** 03/01/2012

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**HB2839**  **Paraphrase:** HB2839, by Rep. Scott Martin, R-Norman, requires the Department of Human Services to contact all tribal entities involved in gaming in the state in order to determine whether the tribal entity will assist DHS in the collection of child support arrearages through garnishment of winnings in a tribal casino. It requires DHS to provide a report to the Senate president pro tempore and House speaker no later than July 1, 2013, detailing the results of each contact. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Martin, Scott (H)

**Status:** H General Order **Status Date:** 03/01/2012

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**HB3013** **Paraphrase:** HB3013, by Rep. Randy Terrill, R-Moore, creates the Amusements and Sports Policy Act. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Terrill, Randy (H)

**Status:** Failed Deadline **Status Date:** 03/01/2012

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**SB0042** **Paraphrase:** SB0042, by Sen. Earl Garrison, D-Muskogee and Rep. Wade Rousselot, D-Wagoner, prohibits Oklahoma Lottery Commission advertisements and promotions from involving children in any manner. (Amended by House, Amended by Senate, Carryover Bill, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Garrison, Earl (S); Rousselot, Wade (H)

**Status:** House Amendments - Read **Status Date:** 04/06/2011

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**SB0047** **Paraphrase:** SB0047, by Sen. Richard C. Lerblance, D-Hartshorne, eliminates the requirement that net proceeds from the Oklahoma Lottery, the portion which is used to fund various common and higher education-related programs, equal at least 35 percent of gross proceeds and removes outdated language concerning net proceeds for the first two and partial first year of the commission's operation. (Carryover Bill, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2011 **Emergency:** Yes

**Principal Authors:** Lerblance, Richard C. (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB0075** **Paraphrase:** SB0075, by Sen. Richard C. Lerblance, D-Hartshorne, modifies language related to the Oklahoma Horse Racing Act. (Carryover Bill) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2011 **Emergency:** No

**Principal Authors:** Lerblance, Richard C. (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB0084** **Paraphrase:** SB0084, by Sen. Eddie Fields, R-Wynona, modifies apportionment from the Oklahoma Education Lottery Trust Fund. Of 45 percent of the monies, the bill directs 75 percent to

support public schools through the State Aid formula and 25 percent to be allocated to the Common Education Lottery Revolving Fund, which is created in the bill, or 100 percent to the revolving fund, contingent on the Legislature appropriating funds through the State Aid formula sufficient to replace the 25 percent or 100 percent of the trust fund appropriated to the revolving fund. The bill establishes appropriation levels for subsequent years until 100 percent is allocated to the Common Education Lottery Revolving Fund with the Legislature appropriating nonlottery funds through the State Aid formula sufficient to replace 100 percent of the trust fund monies. The measure creates the Common Education Lottery Revolving Fund consisting of the monies appropriated to the State Board of Education from the Oklahoma Education Lottery Trust Fund. It directs that on or before Aug. 15 of each fiscal year and on or before the 15th day of each calendar month thereafter, monies from the fund are to be distributed by the State Board of Education to common school districts on a per capita basis to be used for kindergarten through 12th grade public education, including compensation and benefits for teachers and support personnel and other expenses. (Carryover Bill, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2011 **Emergency:** Yes

**Principal Authors:** Fields, Eddie (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB0371** **Paraphrase:** SB0371, by Sen. Constance Johnson, D-Oklahoma City, modifies the Oklahoma Horse Racing Act. (Carryover Bill) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2011 **Emergency:** No

**Principal Authors:** Johnson, Constance (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB1020** **Paraphrase:** SB1020, by Sen. John Ford, R-Bartlesville, modifies language related to the taxes levied on mixed beverages. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Ford, John (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB1120** **Paraphrase:** SB1120, by Sen. Eddie Fields, R-Wynona and Rep. Harold Wright, R-Weatherford, modifies language related to the Oklahoma Alcoholic Beverage Control Act, removing language directing the advertised price of a mixed beverage to be the sum of the total retail sale price and the gross receipts tax levied thereon. (Amended by Senate, Stricken Title) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Fields, Eddie (S); Wright, Harold (H)

**Status:** H First Reading **Status Date:** 03/08/2012

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**SB1145** **Paraphrase:** SB1145, by Sen. Richard C. Lerblance, D-Hartshorne, modifies language related to the Oklahoma Horse Racing Act. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Lerblance, Richard C. (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB1154** **Paraphrase:** SB1154, by Sen. Richard C. Lerblance, D-Hartshorne, removes language requiring net proceeds equal at least 35 percent of the gross proceeds for the Oklahoma Lottery Commission. (Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Lerblance, Richard C. (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB1294** **Paraphrase:** SB1294, by Sen. Tom Adelson, D-Tulsa, clarifies language related to intoxicating liquors. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Adelson, Tom (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB1357** **Paraphrase:** SB1357, by Sen. Rick Brinkley, R-Owasso, defines "electronic sweepstakes machine" as a mechanically, electrically or electronically operated machine or device that is intended to be used by a sweepstakes entrant and is capable of displaying information on a screen or other mechanism. It requires electronic sweepstakes machines to be considered valid and legal promotional divides and not illegal gambling devices if the electronic sweepstakes that they feature are operated at a single physical address and form a single finite pool of results; the single finite pool of results resides on a server for the location, not on the sweepstakes games; the single finite pool of results is on-site on at a remote server or data center; the sweepstakes results are drawn from the single finite pool at the time of purchase or donation, prior to playing the games; free entries are drawn from the same pool used for any paying participants and in the same manner; the finite pool of results is totally depleted by participants prior to generating a new pool; the maximum pool size per location is no greater than one million entries; only prizes contained in the pool are advertised and awarded; changing the play level on the sweepstakes games does not change the prizes available or the prizes awarded; and no additional promotional


play is available for paying participants unless nonpaying participants are provided the same opportunity. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Brinkley, Rick (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB1533**  **Paraphrase:** SB1533, by Sen. Clark Jolley, R-Edmond and Rep. Tom Newell, R-Seminole, states legislative intent to make an appropriation to the Oklahoma State Athletic Commission. (Amended by Senate, Stricken Title, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Jolley, Clark (S); Newell, Tom (H)

**Status:** General Order - Senate **Status Date:** 02/27/2012

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**SB1534**  **Paraphrase:** SB1534, by Sen. Clark Jolley, R-Edmond, modifies language related to the Oklahoma Education Lottery Act. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Jolley, Clark (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB1595**  **Paraphrase:** SB1595, by Sen. Ralph Shortey, R-Oklahoma City, modifies language related to the Oklahoma Education Lottery. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Shortey, Ralph (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB1596**  **Paraphrase:** SB1596, by Sen. Ralph Shortey, R-Oklahoma City, authorizes the governor to negotiate the terms of a sports betting compact between the state and all federally recognized Indian tribes that own or are the beneficial owners of Indian lands as defined by the Indian Gaming Regulatory Act. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Shortey, Ralph (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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**SB1601** **Paraphrase:** SB1601, by Sen. Sean Burrage, D-Claremore and Rep. Ron Peters, R-Tulsa, permits a fair association that qualifies as an organization licensee for the purposes of horseracing to apply to the Oklahoma Horse Racing Commission to conduct one race meet per year at the racing enclosure of another organization licensee in the state that agrees to host the race meeting. (Amended by Senate, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Burrage, Sean (S); Peters, Ron (H)

**Status:** General Order - Senate **Status Date:** 02/28/2012

**SB1958** **Paraphrase:** SB1958, by Sen. Jonathan Nichols, R-Norman, modifies language related to the Oklahoma Horse Racing Act. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Nichols, Jonathan (S)

**Status:** Failed Deadline **Status Date:** 02/27/2012

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## eCapitol News

### ***PRESS-Time to make water a priority***

**Author:** House Speaker Kris Steele

**Date:** 02/17/2012

(PRESS) Preparing for the anticipated growth Oklahoma will experience in the future is just as important as the pro-growth policies the Legislature is pursuing now. That is why the Legislature is working diligently to lay the foundation for another 50-year water plan for our state. Previous generations of state leaders did it for us and now it is time for this generation to step up and provide for the next. As we work on water policy, the focus will be to identify the best solutions for tomorrow rather than the easiest path for today.

Every Oklahoman has an interest in water.

Southeastern Oklahomans want to generate economic growth through strategic development around their area's many lakes, rivers and streams.

Western Oklahomans seek enough water for crop irrigation and livestock.

Central Oklahomans desire sufficient water to sustain the ever-growing metropolitan areas where the bulk of the state's citizens reside.

Northeastern Oklahomans want to protect and expand their area's many water-reliant industries.

Statewide, businesses ranging from oil and gas to construction depend on water for operations in rural and urban areas alike.

And in every corner of our state, tribal nations want to provide water for their members and participate in the state's water planning initiatives.

The various interests go on and on. If we work together, I believe we can reach compromises that allow for the water needs and desires of all Oklahomans to be satisfied.

The Legislature won't solve every issue this session, but we're certainly going to get started.

First, we must to push for the development of regional water planning groups. Taking the viewpoints of all areas into account through this type of organized system will lead to better water management at the state level.

Another goal is to improve water management and planning by prioritizing appropriations for water monitoring, the practice of regularly collecting data to determine the quantity and quality of surface and groundwater.

Today, 36 of the state's 87 groundwater basins either lack critical monitoring studies entirely or are past due

for updates that are required every 20 years. Before any decisions are finalized, it is important to obtain accurate information on where our water is, how much we have and its condition.

In addition, we must focus on effective water conservation strategies. I have filed legislation setting a statewide goal of using no more fresh water in 2060 than is used today, and some of my colleagues have filed legislation encouraging Oklahomans to increase water reuse and other conservation practices. If we conserve appropriately, we'll have more than enough water in the future for all of Oklahoma's recreational, industrial, commercial, agricultural and consumer needs.

We are also working with Oklahoma Water Resources Board officials to improve the agency's already-outstanding water infrastructure financing programs. For the past 30 years, these programs have financed about 65 percent of all water infrastructure projects statewide. This financing is especially important for rural and small-to-medium sized communities that do not have the resources to fund water infrastructure projects on their own. The vast majority of the \$83 billion in water infrastructure needs Oklahoma faces in the next 50 years will be in these rural and small-to-medium sized communities, so it will be critical to ensure the state's financing programs continue to meet these needs well into the future.

There are additional areas of water policy the Legislature will need to address in future years, but for now, we believe these initiatives provide a good start.

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## WATER+

### Bill Portfolio


#### 16 Bills On Report

**HB1251**  **Paraphrase:** HB1251, by Rep. Wade Rousselot, D-Wagoner and Sen. Kimberley David, R-Wagoner, 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. (Amended by Senate, Carryover Bill, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2011 **Emergency:** Yes

**Principal Authors:** Rousselot, Wade (H); David, Kimberley (S)

**Status:** Senate Amendments - Read **Status Date:** 04/27/2011

**HB1910**  **Paraphrase:** HB1910, by Rep. Mike Jackson, R-Enid and Sen. Patrick Anderson, R-Enid, allows the Oklahoma Water Resources Board to prepare examinations and establish other requirements in order for those involved in the installation of water well pumps to be certified and obtain a license. The bill requires the examination to include information regarding water well drillers in the construction and repair of wells, which includes proper sealing and abandonment of wells. The bill allows the Oklahoma Water Resources Board to inspect any water well, monitoring well, boring, water well pump or abandonment well and borehole, upon receiving a district court order. The bill allows the board to disapprove use of the well if it is found to be in noncompliance with applicable laws or rules or that a health hazard exists. The bill also allows the board to issue orders prohibiting actions by holders of valid licenses and operator certifications. The bill allows the board to issue an emergency order requiring certain action without notice and hearing if the board has reasonable cause to believe that there is imminent danger. The bill requires the notice and opportunity for hearing on an emergency order to be provided within 10 days of the filing of an application for a hearing to an aggrieved person. The bill allows the board to present the matter to the attorney general who is empowered to take action to collect an administrative penalty if a respondent fails or refuses to comply with an order of the board. The bill directs one-half of all penalties collected and proceeds of the sale of impounded rigs and other equipment to be deposited in the Well Drillers and Pump Installers Regulation Account while one-half is deposited in the Attorney General's Revolving Fund. (Amended by House, Stricken Title, Carryover Bill, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Jackson, Mike (H); Anderson, Patrick (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:** 03/08/2012

**Committee(1):** Energy (S)

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**HB2914** **Paraphrase:** HB2914, by Rep. Phil Richardson, R-Minco, creates the Regional Water Planning Act. It requires Oklahoma to be divided into nine regions for the purposes of the act. It also creates a total of nine, 15-member Regional Water Planning Councils, to consist of one council for each of the nine regions. The bill provides for members' appointments by the House speaker, Senate president pro tempore, governor and boards of county commissioners and conservation district directors that have territory in a region. It also states that any federally recognized tribe whose tribal jurisdictional area is located within a region will be invited by the council to appoint a representative of the tribal government to serve as an ex officio nonvoting member of the council. It directs initial appointments to be made by Dec. 31, 2012. The bill directs councils to use the most recent update of the Oklahoma Comprehensive Water Plan as a guide and take into consideration other resources including but not limited to any water plans developed and submitted to the council by municipalities or special-purpose districts in the region. It requires each council to submit its regional water plan to the Oklahoma Water Resources Board for its review within 10 years following the effective date of the act. The measure states that upon availability of funds and subject to any appropriations that may be made by the Legislature to the Oklahoma Water Resources Board, funding to complete Phase 1 and Phase 3 of the council plans will be divided equally among the councils. (Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Richardson, Phil (H)

**Status:** H General Order **Status Date:** 03/01/2012

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**HB2915** **Paraphrase:** HB2915, by Rep. Phil Richardson, R-Minco and Sen. Ron Justice, R-Chickasha, requires a commercial water operation or system agreement to run with the land benefited and burdened and terminate upon the conditions stated in the agreement. It requires an instrument that creates a land right or an option to secure a land right in real property for a commercial water operation or system to be created in writing and filed in the office of the county clerk. It also provides information that must be included in the agreement. It prohibits any interest in any resourced located on a tract of land and solely associated with the groundwater to be severed from the surface estate except that such rights may be leased for a definite term. The bill prohibits an underground injection well, disposal well or commercial disposal well drilled or converted on or after the effective date of the act that will be in operation for more than six months from being located within one-half mile of a residential development. It states that the prohibition does not prohibit an operator of an underground injection well, disposal well or commercial disposal well

and the owner of the occupied residence from agreeing in writing to setback provisions. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Richardson, Phil (H); Justice, Ron (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:** 03/08/2012

**Committee(1):** Energy (S)

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**HB2924** **Paraphrase:** HB2924, by Rep. Don Armes, R-Faxon and Sen. Bryce Marlatt, R-Woodward, requires any acquisition of water rights by eminent domain to be limited to a 10-year term. It also requires the taking of surface rights in relation to the acquisition of water rights to consist only of an easement for access, well sites, pipelines and other appurtenances necessary for the acquisition of water. It requires the municipality to remove any appurtenances above or below the condemned property within two years from the end of the term if the municipality determines the acquired water rights are no longer required. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2012 **Emergency:** No

**Principal Authors:** Armes, Don (H); Marlatt, Bryce (S)

**Status:** H General Order **Status Date:** 02/15/2012

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**HB2929** **Paraphrase:** HB2929, by Rep. Don Armes, R-Faxon and Sen. Bryce Marlatt, R-Woodward, requires 50 percent of the credits accruing to the Community Water Infrastructure Development Water Plan for the Oklahoma Water Resources Board to be transferred to the Statewide Water Development Revolving Fund. (Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2012 **Emergency:** Yes

**Principal Authors:** Armes, Don (H); Marlatt, Bryce (S)

**Status:** H General Order **Status Date:** 02/29/2012

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**HB3055** **Paraphrase:** HB3055, by Rep. Kris Steele, R-Shawnee and Sen. Eddie Fields, R-Wynona, creates the Water for 2060 Act. The bill states legislative intent to establish and work toward a goal of consuming no more fresh water in the year 2060 than is consumed statewide in the year 2012. The measure clarifies language pertaining to the Oklahoma Water Conservation Grant Program Act. The bill adds to the definition of communities to include one or more rural water districts or portions of water districts. The bill also adds projects promoting efficiency, recycling and reuse of water to the definition of pilot projects that serve as models for communities in the state. The measure creates the 15-member Water for 2060 Advisory Council and specifies membership eligibility and duties of the council. - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Steele, Kris (H); Fields, Eddie (S)

**Status:** H General Order **Status Date:** 02/15/2012

**HJR1085 Paraphrase:** HJR1085, by Rep. Phil Richardson, R-Minco, proposes a constitutional amendment creating the Water Infrastructure Credit Enhancement Reserve Fund within the Oklahoma Water Resources Board to be used by the board solely to secure the payment of principle, interest and premiums on bonds and other financial obligations issued or incurred to provide for the financial assistance programs. (Constitutional Amendment) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Richardson, Phil (H)

**Status:** H General Order **Status Date:** 02/29/2012

**SB0108 Paraphrase:** SB0108, by Sen. Ron Justice, R-Chickasha and Rep. George Faught, R-Muskogee, prohibits the Oklahoma Water Resources Board's fee for annual groundwater permit administration for the submittal of water use reports from exceeding \$10 per permit. It allows the board to assess up to a \$10 late fee for reports filed after the due date. (Carryover Bill, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Justice, Ron (S); Faught, George (H)

**Status:** Senate Committee - Do Pass as Amended **Status Date:** 03/02/2011

**Committee(1):** Appropriations (S)

**SB0741 Paraphrase:** SB0741, by Sen. Mike Schulz, R-Altus and Rep. Dale DeWitt, R-Braman, creates the Water Infrastructure Revolving Fund. It allows monies accruing to the fund to be budgeted and expended by the Oklahoma Water Resources Board for maintaining critical water infrastructure in all areas of the state. (Amended by Senate, Stricken Title, Carryover Bill) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2011 **Emergency:** No

**Principal Authors:** Schulz, Mike (S); DeWitt, Dale (H)

**Status:** General Order - Senate **Status Date:** 03/01/2011

**SB1040 Paraphrase:** SB1040, by Sen. Bryce Marlatt, R-Woodward and Rep. Don Armes, R-Faxon, changes the name of the Community Water Infrastructure Development Revolving Fund to the Community Water Infrastructure Development and Planning Revolving Fund and creates the Statewide Water Development and Planning Revolving Fund. (Amended by Senate, Stricken Title, Emergency Measure, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Marlatt, Bryce (S); Armes, Don (H)

**Status:** General Order - Senate **Status Date:** 02/27/2012

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**SB1043** **Paraphrase:** SB1043, by Sen. Bryce Marlatt, R-Woodward and Rep. Scott Martin, R-Norman, provides that a permitted entity has the option of changing the point of discharge from a designated stream to a designated lake, wetlands or other impoundment and back again once a permit for discharge into waters is obtained. It also creates notification requirements for such changes. (Amended by Senate, Stricken Title, Committee Substitute) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** 01/01/2013 **Emergency:** No

**Principal Authors:** Marlatt, Bryce (S); Martin, Scott (H)

**Status:** General Order - Senate **Status Date:** 02/27/2012

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**SB1325** **Paraphrase:** SB1325, by Sen. Brian Crain, R-Tulsa and Rep. Phil Richardson, R-Minco, creates a 15-member Water Infrastructure Financing Task Force until Dec. 31, 2012, to study the recommendations made in the Oklahoma Comprehensive Water Plan for the state's future water infrastructure needs over the next 50 years. It is required to submit a report to the governor, House speaker and Senate president pro tempore by Dec. 31, 2012. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Crain, Brian (S); Richardson, Phil (H)

**Status:** H First Reading **Status Date:** 02/29/2012

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**SB1327** **Paraphrase:** SB1327, by Sen. Brian Crain, R-Tulsa and Rep. Phil Richardson, R-Minco, directs the Oklahoma Water Resources Board to make full legislative recommendations necessary to promote and implement methods to conserve future water demands at moderate levels of conservation. It requires the OWRB to report the recommendations to the governor, the Senate president pro tempore and the House speaker no later than Dec. 31, 2012. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Crain, Brian (S); Richardson, Phil (H)

**Status:** H First Reading **Status Date:** 03/07/2012

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**SB1328** **Paraphrase:** SB1328, by Sen. Brian Crain, R-Tulsa and Rep. Phil Richardson, R-Minco, expresses legislative intent to appropriate additional funds annually to the Oklahoma Water Resources Board for the development and maintenance of a permanent statewide water quality and quantity program in addition to any state funding currently directed to various state and federal

agencies involved in administering data collection programs for measuring water quality and water quantity. (Amended by Senate, Stricken Title, Emergency Measure) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Crain, Brian (S); Richardson, Phil (H)

**Status:** H First Reading **Status Date:** 03/08/2012

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**SJR0031** **Paraphrase:** SJR0031, by Sen. Susan Paddock, D-Ada and Rep. Wes Hilliard, D-Sulphur, directs the Oklahoma Water Resources Board to identify and prioritize water conservation measures for inclusion in the Oklahoma Comprehensive Water Plan. (Carryover Bill) - © 2012 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Paddock, Susan (S); Hilliard, Wes (H)

**Status:** H General Order **Status Date:** 04/14/2011

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## eCapitol News

### ***PRESS- House Committee approves key water bills***

**Author:** House Media

**Date:** 03/01/2012

(PRESS) Two pieces of legislation that would pave the way for better management of water resources in the state were approved unanimously by a House committee Wednesday.

HB2914 by state Rep. Phil Richardson would set up nine regional planning councils to give local citizens more input into the management of their water resources. The 15-member councils are to be divided up by major surface water basins, major groundwater basins, prominent water service territories, county boundaries and existing water planning areas. State officials would appoint some members of each council and local officials would select the remaining appointees.

"We studied this issue over the interim and one of the top recommendations by the Oklahoma Water Resources Board and other presenters was that we set up regional councils to give us more citizen input in the process," said Richardson (R-Minco). "Integral to implementation of the recently completed update of the Oklahoma Comprehensive Water Plan is recognition of local issues and priorities identified by citizens, users and stakeholders. While oversight is still necessary at the state level, the time has come to encourage regional water planning as the new standard that empowers local citizens more in touch with their unique needs, challenges and potential solutions."

HJR1085 by Richardson would create a state question to amend the Oklahoma Constitution by creating the Oklahoma Water Resources Board Water Infrastructure Credit Enhancement Reserve Fund. By utilizing this mechanism, the OWRB will have the ability to leverage funding to address much of the increased infrastructure financing demand, hopefully without additional cost to the state.

"By ensuring the infrastructure is in place to properly manage our water, we will be able to address population growth and other factors that could otherwise drastically increase our water use," Richardson said. "Just as it has since the mid-1980's, Oklahoma must rise to the challenge of providing long-term, affordable funding to construct and maintain water and sewer systems that furnish safe, clean and reliable water supplies for its citizens and communities."

Both bills will now proceed to the House floor for consideration.

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1       Section 10.3 A. Within forty-five (45) days of assuming  
2 office, each Governor may create a cabinet system for the executive  
3 branch of state government. The cabinet system may be an  
4 organizational framework created by executive order which includes  
5 all executive agencies, boards, commissions, or institutions and  
6 their assignments to specific cabinet areas. The cabinet system  
7 shall consist of no more than fifteen cabinet areas and each cabinet  
8 area shall consist of executive agencies, boards, commissions, or  
9 institutions with similar programmatic or administrative objectives.  
10 One cabinet area shall consist of the Oklahoma Department of  
11 Veterans Affairs, its institutions and other executive agencies,  
12 boards, commissions and institutions which are related to veterans.  
13 One cabinet area shall consist of the Information Services Division  
14 of the Office of State Finance and all the functions of all  
15 executive agencies, boards, commissions and institutions related to  
16 information technology and telecommunications. One cabinet area  
17 shall consist of all the functions of all executive agencies,  
18 boards, commissions and institutions related to Native American  
19 issues and state and tribal relations. The Governor's cabinet shall  
20 be in effect until the Legislature supersedes each cabinet area by  
21 providing by law for specific cabinet areas or departments, or  
22 removes by law the authority of the Governor to create a cabinet  
23 area.

1 B. The Governor shall appoint, with the advice and consent of  
2 the Senate, a Secretary to head each cabinet area. The Secretary  
3 appointee for the cabinet area consisting of the Oklahoma Department  
4 of Veterans Affairs and other related veterans entities shall be an  
5 honorably discharged veteran and be eligible to receive benefits  
6 from the United States Department of Veterans Affairs. The  
7 Secretary for the cabinet area consisting of the Information  
8 Services Division of the Office of State Finance and all related  
9 information technology and telecommunications functions of state  
10 government shall be the Chief Information Officer who shall be  
11 appointed pursuant to Section 2 34.11.1 of this act Title 62 of the  
12 Oklahoma Statutes. The Secretary for the cabinet area consisting of  
13 the areas of responsibility related to Native American issues and  
14 state and tribal relations shall be the Oklahoma Native American  
15 Liaison appointed pursuant to Section 1207 of this title. A cabinet  
16 Secretary may be appointed as a position funded by the Office of the  
17 Governor from funds available to that office, or appointed as a  
18 cabinet Secretary from among the agency heads within the cabinet  
19 area. The cabinet Secretaries shall:

20 1. Advise the Governor of any policy changes or problems within  
21 the area they represent;

22 2. Advise the entities represented of any policy changes or  
23 problems as directed by the Governor; and

1 3. Coordinate information gathering for the Legislature as  
2 requested.

3 C. The cabinet Secretaries shall serve at the pleasure of the  
4 Governor; however, the appointment or removal of a cabinet  
5 Secretary who is also an agency head shall not otherwise affect the  
6 status of the other duties of the agency head. Whenever a Secretary  
7 position becomes vacant, the Governor shall appoint a successor  
8 within thirty (30) calendar days pursuant to the provisions of  
9 subsection B of this section. If the Legislature is not in session  
10 at the time of appointment it shall be subject to the advice and  
11 consent of the Senate upon convening of the next regular session of  
12 the Legislature.

13 SECTION 2. AMENDATORY 74 O.S. 2011, Section 10.5, is  
14 amended to read as follows:

15 Section 10.5 Notwithstanding other limits established by law,  
16 the following cabinet Secretaries may be annually compensated for  
17 their services, payable monthly, as follows:

18 1. The Secretary of Human Resources and Administration may  
19 receive a maximum salary of ~~Seventy-Five Thousand Dollars~~  
20 ~~(\$75,000.00)~~ Seventy-five Thousand Dollars (\$75,000.00);

21 2. The Secretary of Agriculture may receive a maximum salary of  
22 Seventy Thousand Dollars (\$70,000.00);  
23  
24

1 3. The Secretary of Commerce and Tourism may receive a maximum  
2 salary of Seventy Thousand Dollars (\$70,000.00);

3 4. The Secretary of Education may receive a maximum salary of  
4 Sixty-five Thousand Dollars (\$65,000.00);

5 5. The Secretary of Energy may receive a maximum salary of  
6 Seventy Thousand Dollars (\$70,000.00);

7 6. The Secretary of Finance and Administration may receive a  
8 maximum salary of Ninety Thousand Dollars (\$90,000.00);

9 7. The Secretary of Health and the Secretary of Human Services  
10 may receive a maximum salary of Eighty Thousand Dollars  
11 (\$80,000.00);

12 8. The Secretary of Safety and Security may receive a maximum  
13 salary of Eighty-five Thousand Dollars (\$85,000.00);

14 9. The Secretary of State may receive a maximum salary of  
15 Sixty-five Thousand Dollars (\$65,000.00). However, if the Secretary  
16 of State is designated as a cabinet Secretary, the salary of the  
17 Secretary of State may be increased to an amount not to exceed the  
18 highest salary provided for a cabinet Secretary pursuant to this  
19 section; and

20 10. The Secretary of Veterans Affairs may receive a maximum  
21 salary of Sixty-five Thousand Dollars (\$65,000.00); and

22 11. The Secretary of Native American Affairs may receive a  
23 maximum salary of Sixty-five Thousand Dollars (\$65,000.00).

1 SECTION 3. AMENDATORY 74 O.S. 2011, Section 1207, is  
2 amended to read as follows:

3 Section 1207. A. The State of Oklahoma recognizes the status  
4 of the federally recognized tribal governments residing in the  
5 geographical boundaries of the state as sovereign nations and the  
6 state recognizes the need for further cooperation between the state  
7 and the tribes and their citizens and the importance of the  
8 government-to-government relationship between the state and the  
9 tribes.

10 B. There is hereby created the position of Oklahoma Native  
11 American Liaison who shall be appointed by the Governor. The  
12 Oklahoma Native American Liaison ~~may~~ shall also serve as the  
13 Secretary of Native American Affairs or a successor cabinet position  
14 and shall have jurisdictional areas of responsibility related to  
15 Native American issues and state and tribal relations. The first  
16 Oklahoma Native American Liaison shall be appointed no later than  
17 December 1, ~~2011~~ 2012.

18 C. Any person appointed to the position of Oklahoma Native  
19 American Liaison shall be ~~an American Indian of at least one-fourth~~  
20 ~~(1/4) blood~~ a member of a federally recognized Indian Tribe.

21 D. The salary and any other expenses for the Oklahoma Native  
22 American Liaison shall be budgeted as a separate line item through  
23 the Governor. The Governor shall provide adequate office space,  
24

1 equipment and support necessary to enable the Oklahoma Native  
2 American Liaison to carry out the duties and responsibilities of the  
3 position.

4 E. The Oklahoma Native American Liaison shall:

5 1. Have the powers and duties over Native American issues and  
6 state and tribal relation areas designated to the position by the  
7 Governor;

8 2. ~~Be~~ If the Governor elects to name a designee, be the  
9 designee of the Governor and, subject to any limits set by the  
10 Governor, shall have authority to negotiate cooperative agreements  
11 on behalf of the state with federally recognized Indian Tribal  
12 Governments tribal governments within this state as set forth in  
13 Section 1221 of ~~Title 74 of the Oklahoma Statutes~~ this title;

14 3. Monitor all compacts, including gaming, tobacco, and motor  
15 vehicle fuel compacts, entered into by the state and political  
16 subdivisions with federally recognized Indian ~~Tribal Governments~~  
17 tribal governments within this state;

18 4. Coordinate with the Office of Tribal Relations within the  
19 Oklahoma Historical Society on the gathering, preserving and  
20 maintaining of all compacts and agreements between Indian ~~Tribal~~  
21 ~~Governments~~ tribal governments and the state and political  
22 subdivisions and all related records, documents and materials;

1        5. Oversee state agency consultation policies with tribal  
2 governments;

3        6. Monitor the interactions of state agencies with tribal  
4 governments;

5        7. Ensure coordination, consultation and cooperation between  
6 tribes and state agencies for any activities of the state agency  
7 that will directly affect tribal governments or their property;

8        8. Advise tribes about ongoing or proposed state programs that  
9 will affect tribal governments or their property;

10       9. Cooperate with tribal governments to determine priorities of  
11 interest for possible cooperation between the various agencies and  
12 the tribal governments;

13       10. Advise tribes on funding opportunities through partnerships  
14 with state agencies to address locally determined priorities of  
15 interest agreed to by both the state and tribal governments;

16       11. Ensure continuing outreach to tribes and shall establish and  
17 maintain relationships with tribes and tribal organizations; and

18       12. Make an annual report on the interaction between the state  
19 and state agencies and tribal governments and shall submit the  
20 report to the Governor, the Speaker of the House of Representatives,  
21 and the President Pro Tempore of the Senate.

22       SECTION 4. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3  
4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated  
5 03/01/2012 - DO PASS, As Coauthored.  
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1 ENGROSSED SENATE  
2 BILL NO. 1050

By: Treat and Allen of the  
Senate

3 and

4 Osborn of the House  
5  
6

7 An Act relating to environmental regulatory agencies;  
8 amending 17 O.S. 2011, Section 286, which relates to  
9 electric transmission costs; removing reference to  
10 certain tribal authority; amending 27A O.S. 2011,  
11 Section 2-16-106, which relates to refining  
12 facilities; removing reference to certain tribal  
13 authority; updating statutory reference; and  
14 declaring an emergency.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 17 O.S. 2011, Section 286, is  
17 amended to read as follows:

18 Section 286. A. 1. The portion of costs incurred by an  
19 electric utility, which is subject to rate regulation by the  
20 Corporation Commission, for transmission upgrades approved by a  
21 regional transmission organization to which the utility is a member  
22 and resulting from an order of a federal regulatory authority having  
23 legal jurisdiction over interstate regulation of transmission rates,  
24 shall be presumed recoverable by the utility. The presumption  
established in this paragraph may be rebutted by evidence that the  
costs so incurred by the utility for the transmission upgrades

1 exceed the scope of the project authorized by the regional  
2 transmission organization or order issued by the federal regulatory  
3 authority having jurisdiction over interstate regulation of  
4 transmission rates. The Commission shall transmit rules to  
5 implement the requirements of this subsection to the Legislature on  
6 or before April 1, 2006. The rules may authorize an electric  
7 utility to periodically adjust its rates to recover all or a portion  
8 of the costs so incurred by the utility for the transmission  
9 upgrades.

10 2. Reasonable costs incurred by an electric utility for  
11 transmission upgrades:

- 12 a. needed to develop wind generation in this state,
- 13 b. approved by the Southwest Power Pool, and
- 14 c. placed into service before December 31, 2013,

15 shall be presumed recoverable through a periodic adjustment in the  
16 rates of the utility, provided that the presumption of the recovery  
17 of such costs or the recovery of such costs through a periodic  
18 adjustment in rates may be rebutted by evidence presented to the  
19 Commission. The determination of whether the costs shall be  
20 recovered and whether the costs shall be recovered through a  
21 periodic adjustment of rates shall be made by the Commission  
22 following proper notice and hearing in a cause to be filed by the  
23 electric utility in which it files such information as the  
24 Commission may require.

1       B. An electric utility subject to rate regulation by the  
2 Corporation Commission may file an application seeking Commission  
3 authorization of a plan by the utility to make capital expenditures  
4 for equipment or facilities necessary to comply with the federal  
5 Clean Air Act (CAA), the Clean Water Act (CWA), the Comprehensive  
6 Environmental Response, Compensation, and Liability Act (CERCLA),  
7 the Emergency Planning & Community Right-to-Know Act (EPCRA), the  
8 Endangered Species Act (ESA), the National Environmental Policy Act  
9 (NEPA), the Occupational Safety and Health Act (OSHA), the Oil  
10 Pollution Act (OPA), the Pollution Prevention Act (PPA), the  
11 Resource Conservation and Recovery Act (RCRA), the Safe Drinking  
12 Water Act (SDWA), the Toxic Substances Control Act (TSCA), all as  
13 amended, and, as the Commission may deem appropriate, federal,  
14 state, or local ~~or tribal~~ environmental requirements which apply to  
15 generation facilities. If approved by the Commission, after notice  
16 and hearing, the equipment or facilities specified in the approved  
17 utility plan are conclusively presumed used and useful. The utility  
18 may elect to periodically adjust its rates to recover the costs of  
19 the expenditures. The utility shall file a request for a review of  
20 its rates pursuant to Section 152 of this title no more than twenty-  
21 four (24) months after the utility begins recovering the costs  
22 through a periodic rate adjustment mechanism and no more than  
23 twenty-four (24) months after the utility begins recovering the  
24 costs through any subsequent periodic rate adjustment mechanism.

1 Provided further, that a periodic rate adjustment or adjustments are  
2 not intended to prevent a utility from seeking cost recovery of  
3 capital expenditures as otherwise may be authorized by the  
4 Commission. However, the reasonableness of the costs to be  
5 recovered by the utility shall be subject to Commission review and  
6 approval. The Commission shall promulgate rules to implement the  
7 provisions of this subsection, such rules to be transmitted to the  
8 Legislature on or before April 1, 2007.

9 C. 1. An electric utility subject to rate regulation by the  
10 Corporation Commission may elect to file an application seeking  
11 approval by the Commission to construct a new electric generating  
12 facility, to purchase an existing electric generation facility or  
13 enter into a long-term contract for purchased power and capacity  
14 and/or energy, subject to the provisions of this subsection. If,  
15 and to the extent that, the Commission determines there is a need  
16 for construction or purchase of the electric generating facility or  
17 long-term purchase power contract, the generating facility or  
18 contract shall be considered used and useful and its costs shall be  
19 subject to cost recovery rules promulgated by the Commission. The  
20 Commission shall enter an order on an application filed pursuant to  
21 this subsection within two hundred forty (240) days of the filing of  
22 the application, following notice and hearing and after  
23 consideration of reasonable alternatives.  
24

1        2. Following receipt of an application filed pursuant to this  
2 subsection, the Corporation Commission staff may file a request to  
3 assess the specific costs, to be paid by the electric utility and  
4 which shall be deemed to be recoverable, for the costs associated  
5 with conducting the analysis or investigation of the application  
6 including, but not limited to, the cost of acquiring expert  
7 witnesses, consultants, and analytical services. The request shall  
8 be filed at and heard by the Corporation Commissioners in the docket  
9 opened by the electric utility pursuant to this subsection. After  
10 notice and hearing, the Commission shall decide the request.

11       3. Additionally, following receipt of an application filed  
12 pursuant to this subsection, the Office of the Attorney General may  
13 file a request with the Corporation Commission for the assessment of  
14 specific costs, to be paid by the electric utility and which shall  
15 be deemed to be recoverable, associated with the performance of the  
16 Attorney General's duties as provided by law. Those costs may  
17 include, but are not limited to, the cost of acquiring expert  
18 witnesses, consultants and analytical services. The request shall  
19 be filed at and heard by the Corporation Commissioners in the docket  
20 opened by the electric utility pursuant to this subsection. After  
21 notice and hearing, the Commission shall decide the request.

22       4. The Commission shall promulgate rules to implement the  
23 provisions of this subsection. The rules shall be transmitted to  
24 the Legislature on or before April 1, 2006. In promulgating rules

1 to implement the provisions of this subsection, the Commission shall  
2 consider, among other things, rules which would:

- 3 a. permit contemporaneous utility recovery from its  
4 customers, the amount necessary to cover the  
5 Corporation Commission staff and Attorney General  
6 assessments as authorized by this subsection,
- 7 b. establish how the cost of facilities approved pursuant  
8 to this subsection shall be timely reviewed, approved,  
9 and recovered or disapproved, and
- 10 c. establish the information which an electric utility  
11 must provide when filing an application pursuant to  
12 this subsection.

13 5. The Commission shall also consider rules which may permit an  
14 electric utility to begin to recover return on or return of  
15 Construction-Work-In-Progress expenses prior to commercial operation  
16 of a newly constructed electric generation facility subject to the  
17 provisions of this subsection.

18 SECTION 2. AMENDATORY 27A O.S. 2011, Section 2-16-106,  
19 is amended to read as follows:

20 Section 2-16-106. A. Upon the written request of a prospective  
21 applicant for authorization of a refinery facility in the State of  
22 Oklahoma, the Department of Environmental Quality shall act as the  
23 lead state agency for the purpose of coordinating all applicable  
24 state and federal authorizations and environmental reviews of the

1 refining facility. To the maximum extent practicable under  
2 applicable state and federal law, the Executive Director of the  
3 Department of Environmental Quality shall coordinate the state and  
4 federal authorization and review process with any federal, state,  
5 ~~tribal~~, and local agencies responsible for conducting separate  
6 permitting and environmental reviews of the refining facility.

7 B. 1. The Executive Director, in coordination with the state  
8 agencies and, as appropriate, with federal, ~~tribal~~ and local  
9 agencies that are willing to coordinate their separate permitting  
10 and environmental reviews with the state permitting and reviews  
11 process, shall establish a schedule with prompt and binding  
12 intermediate and ultimate deadlines for the review of, and state  
13 authorization decisions relating to, refinery facility siting and  
14 operation applications.

15 2. Prior to establishing the schedule, the Executive Director  
16 shall provide an expeditious preapplication process that allows  
17 applicants to confer with the agencies involved and to have each  
18 agency communicate to the prospective applicant within sixty (60)  
19 days:

- 20 a. the likelihood of approval for a potential refinery  
21 facility, and
  - 22 b. key issues of concern for the agencies and the local  
23 community.
- 24

1        3. The Executive Director shall consider the preapplication  
2 findings under paragraph 2 of this subsection when setting the  
3 schedule and shall ensure that once an application has been  
4 submitted with the necessary information, as determined by the  
5 Executive Director, a draft permit shall be completed within six (6)  
6 months or, where circumstances require otherwise, as soon as  
7 thereafter practicable. An applicant may request that the  
8 permitting process be stopped at anytime by agreement with the  
9 Executive Director and Administrator.

10       4. If a state administrative agency does not complete a  
11 refinery application authorization process in accordance with the  
12 schedule established by the Executive Director pursuant to this  
13 subsection, the applicant may pursue remedies set forth in  
14 subsection F of this section.

15       C. 1. The RPCA shall address the coordination of all  
16 applicable state and federal actions necessary for complying with  
17 the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
18 seq.), if applicable, and shall identify the entity responsible for  
19 preparing any environmental impact statement or any other form of  
20 environmental review that is required.

21       2. If the United States Environmental Protection Agency  
22 determines an environmental impact statement is required, the  
23 Department of Environmental Quality shall work with the Agency to  
24 prepare a single environmental impact statement, which shall

1 consolidate the environmental reviews of all state and federal  
2 agencies considering any aspect of the refinery facility covered by  
3 the environmental impact statement.

4 D. Each state agency considering an aspect of the siting or  
5 operation of a refinery facility in the State of Oklahoma shall  
6 cooperate with the Department of Environmental Quality and comply  
7 with the deadlines established by the Department in the preparation  
8 of an environmental impact statement or such other form of  
9 environmental review that is required.

10 E. The Department of Environmental Quality shall, with the  
11 cooperation of state and federal administrative agencies and  
12 officials, maintain a complete consolidated record of all decisions  
13 made or actions taken by the Department, by a state administrative  
14 agency or officer acting under delegated federal authority, or by a  
15 federal administrative agency with respect to the siting or  
16 operation of a refinery facility in the state. The record shall be  
17 the exclusive record for any state administrative proceeding that is  
18 an appeal or review of any refinery facility siting or operation  
19 decision made or action taken.

20 F. If a state agency has denied state authorization required  
21 for a refinery facility in the state, or has failed to act by a  
22 deadline established by the Director pursuant to subsection B of  
23 this section, the applicant may file an appeal with a review panel  
24 comprised of the Oklahoma Secretary of the Environment or a

1 | designee, the Secretary of Energy or a designee, and the Secretary  
2 | of Transportation or a designee. Based on the record maintained  
3 | pursuant to subsection E of this section, and in consultation with  
4 | the affected state agency, the review panel may then either order  
5 | the immediate issuance of the necessary state authorization with  
6 | appropriate conditions, or deny the appeal. The review panel shall  
7 | issue a decision within sixty (60) days after the filing of the  
8 | appeal. In making a decision under this subsection, the review  
9 | panel shall adhere to applicable requirements of state and federal  
10 | law, including each of the laws referred to in subsection E of  
11 | Section 5 2-16-105 of this ~~act~~ title. Any judicial appeal of the  
12 | decision of the review panel shall be to an Oklahoma court of  
13 | competent jurisdiction as allowed under the Constitution of the  
14 | State of Oklahoma.

15 |       SECTION 3. It being immediately necessary for the preservation  
16 | of the public peace, health and safety, an emergency is hereby  
17 | declared to exist, by reason whereof this act shall take effect and  
18 | be in full force from and after its passage and approval.  
19 |  
20 |  
21 |  
22 |  
23 |  
24 |

1 Passed the Senate the 20th day of February, 2012.

2  
3 Presiding Officer of the Senate

4  
5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2012.

7  
8 Presiding Officer of the House  
9 of Representatives

1 ENGROSSED SENATE  
2 BILL NO. 1120

By: Fields of the Senate  
and  
Wright of the House

3  
4  
5  
6  
7 [ Oklahoma Alcoholic Beverage Control Act - gross  
8 receipts - effective date ]  
9

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 37 O.S. 2011, Section 576, is  
12 amended to read as follows:

13 Section 576. A. A tax at the rate of thirteen and one-half  
14 percent (13.5%) is hereby levied and imposed on the total gross  
15 receipts of a holder of a mixed beverage, caterer, or special event  
16 license, issued by the ABLE Commission, from:

- 17 1. The sale, preparation or service of mixed beverages;  
18 2. The total retail value of complimentary or discounted mixed  
19 beverages;  
20 3. Ice or nonalcoholic beverages that are sold, prepared or  
21 served for the purpose of being mixed with alcoholic beverages and  
22 consumed on the premises where the sale, preparation or service  
23 occurs; and  
24

1       4. Any charges for the privilege of admission to a mixed  
2 beverage establishment which entitle a person to complimentary mixed  
3 beverages or discounted prices for mixed beverages.

4       B. For purposes of this section:

5       1. "Mixed beverages" means mixed beverages as defined by  
6 Section 506 of this title;

7       2. "Total gross receipts" means the total amount of  
8 consideration received as charges for admission to a mixed beverage  
9 establishment as provided in paragraph 4 of subsection A of this  
10 section and the total retail sale price received for the sale,  
11 preparation or service of mixed beverages, ice, and nonalcoholic  
12 beverages to be mixed with alcoholic beverages. ~~The advertised~~  
13 ~~price of a mixed beverage shall be the sum of the total retail sale~~  
14 ~~price and the gross receipts tax levied thereon; and~~

15       3. "Total retail value" means the total amount of consideration  
16 that would be required for the sale, preparation or service of mixed  
17 beverages.

18       C. The gross receipts tax levied by this section shall be in  
19 addition to the excise tax levied in Section 553 of this title, the  
20 sales tax levied in the Oklahoma Sales Tax Code, ~~Section 1350 et~~  
21 ~~seq. of Title 68 of the Oklahoma Statutes~~ and to any municipal or  
22 county sales taxes.

23       D. The gross receipts tax levied by this section is hereby  
24 declared to be a direct tax upon the receipt of consideration for

1 any charges for admission to a mixed beverage establishment as  
2 provided in paragraph 4 of subsection A of this section, for the  
3 sale, preparation or service of mixed beverages, ice, and  
4 nonalcoholic beverages to be mixed with alcoholic beverages, and the  
5 total retail value of complimentary or discounted mixed beverages.

6 E. The total of the retail sale price received for the sale,  
7 preparation or service of mixed beverages, ice, and nonalcoholic  
8 beverages to be mixed with alcoholic beverages shall be the total  
9 gross receipts for purposes of calculating the sales tax levied in  
10 the Oklahoma Sales Tax Code, ~~Section 1350 et seq. of Title 68 of the~~  
11 ~~Oklahoma Statutes.~~

12 SECTION 2. This act shall become effective November 1, 2012.

13 Passed the Senate the 7th day of March, 2012.

14  
15  
16 Presiding Officer of the Senate

17 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
18 2012.

19  
20 Presiding Officer of the House  
21 of Representatives  
22  
23  
24

1 ENGROSSED SENATE  
2 BILL NO. 1257

By: Paddack of the Senate

3 and

4 Denney of the House

5  
6 [ Oklahoma Native American Liaison - modifying  
7 qualifications - effective date ]

8 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

9 SECTION 1. AMENDATORY 74 O.S. 2011, Section 10.3, is  
10 amended to read as follows:

11 Section 10.3. A. Within forty-five (45) days of assuming  
12 office, each Governor may create a cabinet system for the executive  
13 branch of state government. The cabinet system may be an  
14 organizational framework created by executive order which includes  
15 all executive agencies, boards, commissions, or institutions and  
16 their assignments to specific cabinet areas. The cabinet system  
17 shall consist of no more than fifteen cabinet areas and each cabinet  
18 area shall consist of executive agencies, boards, commissions, or  
19 institutions with similar programmatic or administrative objectives.  
20 One cabinet area shall consist of the Oklahoma Department of  
21 Veterans Affairs, its institutions and other executive agencies,  
22 boards, commissions and institutions which are related to veterans.  
23 One cabinet area shall consist of the Information Services Division  
24 of the Office of State Finance and all the functions of all

1 executive agencies, boards, commissions and institutions related to  
2 information technology and telecommunications. The Governor's  
3 cabinet shall be in effect until the Legislature supersedes each  
4 cabinet area by providing by law for specific cabinet areas or  
5 departments, or removes by law the authority of the Governor to  
6 create a cabinet area.

7 B. The Governor shall appoint, with the advice and consent of  
8 the Senate, a Secretary to head each cabinet area. The Secretary  
9 appointee for the cabinet area consisting of the Oklahoma Department  
10 of Veterans Affairs and other related veterans entities shall be an  
11 honorably discharged veteran and be eligible to receive benefits  
12 from the United States Department of Veterans Affairs. The  
13 Secretary for the cabinet area consisting of the Information  
14 Services Division of the Office of State Finance and all related  
15 information technology and telecommunications functions of state  
16 government shall be the Chief Information Officer who shall be  
17 appointed pursuant to Section 2 34.11.1 of this act Title 62 of the  
18 Oklahoma Statutes. The Secretary for the cabinet area relating to  
19 Native American affairs shall be the Oklahoma Native American  
20 Liaison appointed as provided for in Section 1207 of this title. A  
21 cabinet Secretary may be appointed as a position funded by the  
22 Office of the Governor from funds available to that office, or  
23 appointed as a cabinet Secretary from among the agency heads within  
24 the cabinet area. The cabinet Secretaries shall:

1 1. Advise the Governor of any policy changes or problems within  
2 the area they represent;

3 2. Advise the entities represented of any policy changes or  
4 problems as directed by the Governor; and

5 3. Coordinate information gathering for the Legislature as  
6 requested.

7 C. The cabinet Secretaries shall serve at the pleasure of the  
8 Governor, however, the appointment or removal of a cabinet Secretary  
9 who is also an agency head shall not otherwise affect the status of  
10 the other duties of the agency head. Whenever a Secretary position  
11 becomes vacant, the Governor shall appoint a successor within thirty  
12 (30) calendar days pursuant to the provisions of subsection B of  
13 this section. If the Legislature is not in session at the time of  
14 appointment it shall be subject to the advice and consent of the  
15 Senate upon convening of the next regular session of the  
16 Legislature.

17 SECTION 2. AMENDATORY 74 O.S. 2011, Section 1207, is  
18 amended to read as follows:

19 Section 1207. A. The State of Oklahoma recognizes the status  
20 of the federally recognized tribal governments residing in the  
21 geographical boundaries of the state as sovereign nations and the  
22 state recognizes the need for further cooperation between the state  
23 and the tribes and their citizens and the importance of the  
24

1 government-to-government relationship between the state and the  
2 tribes.

3 B. There is hereby created the position of Oklahoma Native  
4 American Liaison who shall be appointed by the Governor. The  
5 Oklahoma Native American Liaison ~~may~~ shall also serve as the  
6 Secretary of Native American Affairs or a successor cabinet position  
7 and shall have jurisdictional areas of responsibility related to  
8 Native American issues and state and tribal relations. The first  
9 Oklahoma Native American Liaison shall be appointed no later than  
10 December 1, 2011.

11 C. Any person appointed to the position of Oklahoma Native  
12 American Liaison shall be ~~an American Indian of at least one fourth~~  
13 ~~(1/4) blood~~ a member of a federally recognized American Indian tribe  
14 or nation that has its primary tribal headquarters located in this  
15 state.

16 D. The salary and any other expenses for the Oklahoma Native  
17 American Liaison shall be budgeted as a separate line item through  
18 the Governor. The Governor shall provide adequate office space,  
19 equipment and support necessary to enable the Oklahoma Native  
20 American Liaison to carry out the duties and responsibilities of the  
21 position.

22 E. The Oklahoma Native American Liaison shall:  
23  
24

- 1        1. Have the powers and duties over Native American issues and  
2 state and tribal relation areas designated to the position by the  
3 Governor;
- 4        2. Be the designee of the Governor to negotiate cooperative  
5 agreements on behalf of the state with federally recognized Indian  
6 Tribal Governments within this state as set forth in Section 1221 of  
7 Title 74 of the Oklahoma Statutes;
- 8        3. Monitor all compacts, including gaming, tobacco, and motor  
9 vehicle fuel compacts, entered into by the state and political  
10 subdivisions with federally recognized Indian Tribal Governments  
11 within this state;
- 12        4. Coordinate with the Office of Tribal Relations within the  
13 Oklahoma Historical Society on the gathering, preserving and  
14 maintaining of all compacts and agreements between Indian Tribal  
15 Governments and the state and political subdivisions and all related  
16 records, documents and materials;
- 17        5. Oversee state agency consultation policies with tribal  
18 governments;
- 19        6. Monitor the interactions of state agencies with tribal  
20 governments;
- 21        7. Ensure coordination, consultation and cooperation between  
22 tribes and state agencies for any activities of the state agency  
23 that will directly affect tribal governments or their property;
- 24

1 8. Advise tribes about ongoing or proposed state programs that  
2 will affect tribal governments or their property;

3 9. Cooperate with tribal governments to determine priorities of  
4 interest for possible cooperation between the various agencies and  
5 the tribal governments;

6 10. Advise tribes on funding opportunities through partnerships  
7 with state agencies to address locally determined priorities of  
8 interest agreed to by both the state and tribal governments;

9 11. Ensure continuing outreach to tribes and shall establish and  
10 maintain relationships with tribes and tribal organizations; and

11 12. Make an annual report on the interaction between the state  
12 and state agencies and tribal governments and shall submit the  
13 report to the Governor, the Speaker of the House of Representatives,  
14 and the President Pro Tempore of the Senate.

15 SECTION 3. This act shall become effective November 1, 2012.

16 Passed the Senate the 7th day of March, 2012.

17  
18 \_\_\_\_\_  
19 Presiding Officer of the Senate

20 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
21 2012.

22  
23 \_\_\_\_\_  
24 Presiding Officer of the House  
of Representatives

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE CONCURRENT  
4 RESOLUTION 25

By: Crain

5  
6 AS INTRODUCED

7 A Concurrent Resolution directing utilization of  
8 certain Joint Committee on State-Tribal Relations for  
9 certain purpose; requiring Committee to make certain  
10 status reports; and directing distribution.

11 WHEREAS, the State of Oklahoma, the various federally recognized  
12 tribes based in this state and the federal government have long  
13 worked in conjunction to address both jurisdictional and rights  
14 ambiguities through the use of negotiation and cooperative  
15 resolution, often in the form of a compact; and

16 WHEREAS, Oklahoma has been a national leader in compacting to  
17 resolve uncertainty in other jurisdictional areas, including car  
18 tags and tobacco taxes, and that experience could prove helpful  
19 should the state undertake to resolve water jurisdictional issues  
20 through cooperative negotiation; and

21 WHEREAS, authorization of any cooperative agreement involving  
22 the surface water and/or groundwater resources of this state shall  
23 become effective only upon the consent of the Oklahoma Legislature  
24 as required by law.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND SESSION  
2 OF THE 53RD OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES  
3 CONCURRING THEREIN:

4 THAT the President Pro Tempore of the Senate and the Speaker of  
5 the House of Representatives shall, by utilizing the members of the  
6 Joint Committee on State-Tribal Relations, pursuant to Section 1222  
7 of Title 74 of the Oklahoma Statutes, work in conjunction with the  
8 Governor to negotiate all relevant water issues with sovereign  
9 nations in this state.

10 THAT the members of the Joint Committee on State-Tribal  
11 Relations shall inform the membership of the Legislature through  
12 reports to the President Pro Tempore of the Senate and Speaker of  
13 the House of Representatives of the ongoing status of negotiations  
14 as often as Committee members deem necessary and appropriate.

15 THAT a copy of this resolution be distributed to the Governor,  
16 the President Pro Tempore of the Senate and the Speaker of the House  
17 of Representatives.

18  
19 53-2-1855 MJM 3/9/2012 6:54:30 AM  
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1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 53rd Legislature (2012)

4   HOUSE BILL 2839

                              By: Martin (Scott) and Pittman

7                               AS INTRODUCED

8           An Act relating to poor persons; directing the  
9           Department of Human Services to contact certain  
10          Indian tribes regarding the garnishment of certain  
            winnings; requiring submission of certain report;  
            providing for codification; and providing an  
            effective date.

13   BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14           SECTION 1.       NEW LAW       A new section of law to be codified  
15   in the Oklahoma Statutes as Section 240.25 of Title 56, unless there  
16   is created a duplication in numbering, reads as follows:

17           A.   The Department of Human Services shall contact all tribal  
18   entities involved in gaming in the state pursuant to the State-  
19   Tribal Gaming Act in order to determine whether the tribal entity  
20   will assist the Department in the collection of child support  
21   arrearages through garnishment of winnings of an obligor in a tribal  
22   gaming establishment.   The Department shall determine whether  
23   existing compacts with tribes would allow for modification in order

1 to authorize obligor garnishment or if a new compact would be  
2 required. If garnishment of winnings is found to be immediately  
3 available, the Department shall immediately begin garnishment.

4 B. The Department of Human Services shall provide a report to  
5 the President Pro Tempore of the Oklahoma State Senate and Speaker  
6 of the Oklahoma House of Representatives no later than July 1, 2013,  
7 which details the results of each contact, what terms and conditions  
8 each tribe may have for the garnishment of obligor winnings, and  
9 whether a modification of the existing compact or a new compact  
10 would be required to allow for the garnishment of winnings by a  
11 child support obligor.

12 SECTION 2. This act shall become effective November 1, 2012.  
13

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
15 03/01/2012 - DO PASS, As Coauthored.  
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