

## Oklahoma Legislature Session highlights

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Oklahoma's Republican-controlled Legislature passed laws designed to improve the state's business climate but experienced mixed results on bills involving social issues during the session that concluded Friday.

Although lawmakers still could come back this week, they are not expected to do so.

Here is a brief overview of some of the session's highlights:

### **Civil lawsuits**

The Legislature and Gov. Mary Fallin approved several changes in laws governing civil lawsuits in an effort to make the state friendlier to businesses and doctors.

One new law places a \$350,000 hard cap on noneconomic damages that can be awarded in lawsuits. Noneconomic damages are for things such as pain and suffering. There is an exception to the cap in cases of malicious conduct, gross negligence and reckless disregard for safety.

Another new law eliminates joint and several liability from civil lawsuits. Joint and several liability is a legal concept that makes each defendant in a civil lawsuit liable for the entire amount of a plaintiff's damage judgment, regardless of their degree of fault.

A related new law requires that juries be instructed in civil cases that no part of an award for damages for personal injury or wrongful death is subject to federal or state income taxes.

### **Education**

Bills designed to end social promotion of students after the third grade and to make it easier for parents to evaluate the performance of schools were among several education measures signed into law this session.

One new law requires students in the third grade to demonstrate proficiency in reading before being promoted to the fourth grade.

Another new law creates an A to F grading system for public schools that makes it easier for parents to see how schools compare concerning student performance and student improvement.

A new law making it easier for school boards to dismiss underperforming teachers was another major education change made this session.

Gov. Fallin signed the measure that abolishes the right of tenured teachers to appeal their dismissals to district court and have the decisions reviewed, a process known as “trial de novo.”

In response to a power struggle between the Republican Superintendent of Public Instruction Janet Barresi and the state Board of Instruction, the Legislature and governor also enacted a law that grants the superintendent more control over the state Education Department.

### **Corrections**

What is being hailed as landmark legislation designed to relieve prison overcrowding, save money and better deal with nonviolent offenders was adopted by the Legislature and signed into law by Gov. Fallin.

The new law, which takes effect Nov. 1, expands the eligibility of low-risk, nonviolent inmates for both community sentencing and electronic monitoring programs.

It also modifies a previous requirement that the governor sign off on all paroles. The governor still is required to act on all parole requests for violent offenders, but decisions made by the Pardon and Parole Board on paroles for most nonviolent offenders will be honored if the governor does not act on that parole decision within 30 days of being notified.

### **State pensions**

State employees will have to work longer to earn pension benefits under a series of new laws enacted to boost the fiscal solvency of the state's public employee pension systems, which currently are faced with about \$16 billion in unfunded liability.

One of the new laws requires the Legislature to provide a funding source for any cost of living adjustments it grants.

Others:

- Increase the normal retirement age for new members of the Uniform Retirement System for Justices and Judges from 65 to 67 for those who go on to serve at least eight years and from 60 to 62 for after those who serve at least 10 years.
- Raise the normal retirement age for new teachers from 62 to 65 and set a minimum age of 60 for full retirement benefits for teachers whose age and years of service add up to 90. There currently is no minimum retirement age for teachers who meet the rule of 90.
- Require elected officials to be treated the same as other public employees when calculating retirement benefits and apply the same minimum retirement ages to all new public employees as those applied to new teachers.

- Provide for the forfeiture of retirement benefits of municipal officers or employees who are convicted of crimes related to their office, like bribery or corruption.

## **Guns**

Oklahomans now lawfully can use deadly force in their businesses when in fear of imminent death or great bodily harm under a new law enacted by the Legislature. A similar previous “Make My Day Law” applied only to people in their homes.

The Legislature passed another bill that would allow Oklahomans licensed to carry concealed weapons to keep firearms in their vehicles at state career and technology centers. The bill, strongly opposed by CareerTech administrators, currently is awaiting consideration by the governor.

The Legislature rejected some other gun bills this session, including one that would have allowed individuals over 18 years old to openly carry handguns and another that would have allowed concealed carry permit holders to carry weapons on college campuses.

## **Abortion**

A new law making it illegal to perform abortions on fetuses 20 weeks older or older will take effect Nov. 1.

The new law is called the “Pain-Capable Unborn Child Protection Act” and is based on research done to determine when fetuses begin showing visible reactions to pain. It exempts situations in which the life of the mother is at risk or the mother is at risk of substantial and irreversible physical impairment.

Another new law was enacted to prevent Oklahomans from unwillingly subsidizing abortion coverage simply by purchasing health insurance. Standard health insurance policies sold in Oklahoma or sold through a state health insurance exchange are not allowed to include elective abortion coverage under the new law.

## **Immigration**

Conservative Republican legislators began the session pushing tough anti-immigration legislation similar to laws enacted in Arizona. However, as the bill passed through the legislative process, it became so watered down that even some of the most conservative Republicans joined with liberal colleagues in voting against it.

The bill ultimately was defeated.

Taken out of the final bill before it was rejected were provisions that would have:

- Barred children of illegal immigrants from receiving tuition assistance for postsecondary education.

- Allowed state agencies to report illegal immigrants who applied for state or federal aid.
- Required employers to verify the immigration status of potential employees.
- Outlawed the practice of illegal immigrants seeking work as independent contractors.
- Made it a crime to pick up illegal immigrants for the purpose of employing them.

### **Drunken Driving**

Ignition lock devices would be required to be placed on the vehicles of certain motorists convicted of driving under the influence, according to provisions of a bill passed by the Legislature and now before the governor.

An interlock device would be required for 18 months on a first conviction for those with a blood alcohol content of 0.15 or higher. For a second or subsequent offense, the requirement would apply to those with a blood alcohol content of at least 0.08.

The interlock device would be mandatory for four years on a second offense, and for five years for subsequent offenses. In addition, the individual's driver's license would have the designation of "Interlock Required" as long as the device was required.

### **Workers' comp**

A 220-page bill overhauling the state's workers' compensation system was passed by the Legislature in the closing days of the session and is currently awaiting the governor's consideration.

Employers would be required to provide insured employees with medical care within seven days of actual knowledge of an injury under the bill.

The employer would be allowed to select the treating physician, but in cases of emergency or where an employer fails to select a doctor, the injured employee could select a physician at the expense of the employer.

The bill would create a formula that would limit claims for legal services based on the type of case and disability.

The court would be required to create and maintain a list of licensed physicians to serve as independent medical examiners who could be called upon to assist in determining any issue before the court.

The bill also would direct the workers' compensation court administrator to develop a schedule of medical and hospital fees intended to reduce the cost of medical care by 5 percent.

Physicians and the court would be required to adhere to nationally recognized treatment guidelines.

The bill would require that voluntary mediation be made available to any party to a claim, subject to limitations, and allow the court to order mediation in any case.