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The Advocate is published by the Oklahoma Municipal League. Forward your comments or suggestions to:

Oklahoma Municipal League

201 N.E. 23rd Street OKC, OK 73105 Phone: 1-800-324-6651 / 405-528-7515 Fax: 405-528-7560 Email: daniel@oml.org

Internet: www.oml.org



OML PRIORITIES WERE A SUCCESS

The Oklahoma Municipal league had another successful week at the state capitol. Despite the slow start due to inclement weather, several priority bills have made progress.

HB 1789 by Representative Daniel Pae (R-Lawton) and Sen. Brent Howard (R-Altus) which will allows for any interlocal cooperative agreement authorized by state law to create a purchasing cooperative or contract with a purchasing cooperative was heard Thursday on the House floor. It passed with a vote of 82-0 and is headed to the Senate.

On the Senate side, <u>SB 459</u> by Senator Lonnie Paxton (R-Tuttle) passed through the Business, Commerce and Tourism committee with a vote of 10-3. This bill will align drug testing statutes for first responders.

HB 2466 by Representative Dick Lowe (R-Amber) which you received an alert about earlier in the week has not been added to the House County and Municipal Government committee agenda for next week. This bill would grant schools, technology centers, and county governments veto power over municipal TIF districts. We will continue to closely monitor this bill as it will be devastating for municipal economic development projects and prevent growth.

OML has one final priority bill we are working to get passed before next week's committee deadline. It is <u>HB 2744</u> by Representative Ford (R-Broken Arrow) and is on the agenda for next week in the House Appropriations committee. This bill will close a loophole costing the state and local governments millions of dollars annually by having sales tax exemption permits renew annually rather than the current three-year schedule.

BILLS ON THE MOVE

Scrap Metal Dealers Act: HB 1001 by Rep. Carol Bush (R-Tulsa) and Sen. Chuck Hall (R-Perry) creates the Sergeant Craig Johnson Metal Act. The bill amends the Oklahoma Scrap Metal Dealers Act in a variety of ways including new definitions for "digital image," "exempted seller," "remote storage battery," and "scrap metal." Changes are made to data required to be maintained by a dealer including digital images, removal of language regrading purchase of 35 pounds or more of scrap metal, alterations to the text of the declaration of ownership, the purchase of a vehicle, trailer or non-motorized recreational vehicle, new exemptions, regulation of copper wire, highway guard rails, remote storage batteries and the like.

The bill the House on Thursday by a vote of <u>73 to</u> 7. The bill moves to the Senate.

Criminal Procedure/Violation: <u>HB 1022</u> by Rep. Rande Worthen (R-Lawton) and Sen. Darrell Weaver (R-Moore) amends 22 O.S. 1115,1A by impacting the citation form. This amendment provides that if the person pays the fines and costs but does not include a plea on the citation form, then the person enters a nolo contendere plea.

The bill passed the House Judiciary – Criminal Committee on Wednesday by a vote of 8 to 0. The bill moves to the full House.

Crime/Return of Stolen Property: <u>HB 1025</u> by Rep. Rande Worthen (R-Lawton) provides that stolen property should not be returned to the owner if it is illegal for the person to possess the property. This bill also clarifies hearing procedures for returning property to lawful owner. with these procedures, A municipality who has the stolen property has the power to ask for a hearing about who to give the property to.

The bill passed the House Judiciary – Criminal Committee on Wednesday by a vote of 8 to 0. The bill moves to the full House.

Law Enforcement/VPOs: PCS HB 1028 by Rep. Dell Kerbs (R-Shawnee) amends 22 O.S. 40.3 relating to emergency protective orders by requiring the officer to serve the person who the PO is against. If the officer cannot serve the person, the petition must be filed the next business day. The officer requesting the protective order must provide the victim and defendant with the order stating the time and location of the hearing.

The committee substitute passed the House Judiciary -Civil Committee on Tuesday by a vote of 9 to 0. The bill moves to the full House.

State Audits/Performance Audits: <u>HB 1090</u> by Rep. Gerrid Kendrix (R-Altus) cleans up the language of 74 O.S. 213.2 by ensuring that the state auditor may examine all officers, and governmental entities. In addition, the state auditor must examine at the request of the governor or legislature.

The bill passed the House General Government Committee on Wednesday by a vote of 7 to 0. The bill moves to the full House.

OWRB/Watershed Training Program: <u>HB 1093</u> by Rep. Dell Kerbs (R-Shawnee) requires the OWRB to update water quality standards by developing a watershed training program by no later than November 1, 2026.

The bill passed the House Agriculture & Rural Development Committee on Tuesday by a vote of 10 to 0. The bill moves to the full House.

Sales Tax Exemption/Aquarium: HB 1566 by Rep. Lonnie Sims (R-Jenks) and Sen. Dave Rader (R-Tulsa) amends 68 O.S. 1354 by providing that the state tax collected by an aquarium shall be collected and disbursed to the nonprofit organization, public trust, or political subdivision responsible for the aquarium's operations. These collected funds are to be used for servicing the debt incurred by the aquarium.

The bill passed with the title stricken the House A&B Committee on Thursday by a vote of 31 to 0. The bill moves to the full House.

Public Competitive Bidding Act: <u>HB 1661</u> by Rep. Kevin West (R-Moore) and Sen. James Leewright (R-Bristow) amends the Public Competitive Bidding Act by including the scope of work of the binder in what may be included on individual bid packages in compliance with the Public Competitive Bidding Act.

The bill passed the House General Government Committee on Wednesday by a vote of 7 to 0. The bill moves to the full House.

DEQ/Disposal Plans: <u>HB 1705</u> by Rep. Carl Newton (R-Woodward) and Rep. Casey Murdock (R-Felt) impacts the Department of Environmental Quality's authority regarding disposal plans for all persons generating hazardous waste and related fees.

The bill passed the House Energy & Natural Resources on Wednesday by a vote of 12 to 0. The bill moves to the full House.

Tourism Ignition Program: PCS HB 1708 by Rep. Brian Hill (R-Mustang) creates the Oklahoma Tourism Ignition Program. Municipalities can submit plans to the Oklahoma Tourism and Recreation Commission for generating tourism in their area. The Commission may approve or deny plans. If approved, the Commission shall provide matching funds for the implementation of the plan, up to Five Thousand Dollars (\$5,000).

The committee substitute passed the House Tourism Committee on Wednesday by a vote of 4 to 0. The bill moves to the full House.

Tornado Safety Plans: <u>HB 1748</u> by Rep. Denise Crosswhite Hader (R-Yukon) and Sen. Jessica Garvin (R-Duncan) requires the State Board of Health to promulgate rules regarding tornado safety and requires all hotels under construction and all existing hotels as those hotels update safety information, to post tornado safety information in every room and common area. A minimum

requirement is for the tornado safety information to list the county the hotel is in, hotel location on a state map, and tornado safety tips on what to do in the event of a tornado.

The bill passed the House on Thursday by a vote of 79 to 2. The bill moves to the Senate.

Nuisance Activities/Oil and Gas: <u>HB 1833</u> by Rep. Mark McBride (R-Moore) and Sen. Julie Daniels (R-Bartlesville) is new law providing that no action for nuisance shall be brought against oil and gas activities which has been in lawful operation for 2 years or more prior to bringing the action.

The bill passed as <u>amended</u> by the House Energy & Natural Resources Committee on Wednesday by a vote 11 to 1. The bill moves to the full House.

Open Records/Private Information: HB 1876 by Rep. Tammy West (R-Bethany) and Sen. Brenda Stanley (R-OKC) amends the Open Records Act by providing that home addresses, home telephone numbers, social security numbers, private email addresses, and private mobile phone numbers of current and former public employees shall not be open to public inspection or disclosure.

The bill passed the House on Thursday by a vote of 82 to 0. The bill moves to the Senate.

Medical Marijuana: <u>HB 1908</u> by Rep. Scott Fetgatter (R-Okmulgee) is new law authorizing the Department of Health to enter a contract with the Oklahoma Tax Commission to assess, collect and enforce the seven percent (7%) tax on retail marijuana sales and any penalties and interest.

The bill passed the House Alcohol, Tobacco and Controlled Substances Committee on Wednesday by a vote of 10 to 0. The bill moves to the full House.

Medical Marijuana/Nonresident Licenses: <u>HB</u> 2022 by Rep. Scott Fetgatter (R-Okmulgee) and Sen. James Leewright (R-Bristow) requires an applicant that is eighteen (18) years of age or older and the application for a nonresident medical marijuana patient license to be signed by an Oklahoma physician. A qualifying medical condition is not

required for a nonresident medical marijuana patient license. However, Oklahoma Medical Marijuana Authority (OMMA) may contact the recommending physician of an applicant for a nonresident license to verify the need of the applicant for the license. The bill allows for a nonresident medical marijuana license to be purchased for Two Hundred Dollars (\$200). The license is valid for up to two (2) years from the date of issuance, unless the recommendation of the physician is terminated, or the license is revoked by OMMA.

The bill passed the House on Thursday by a vote of 52 to 32. The emergency clause failed by a vote of 53 to 31. The bill was held on "Motion to Reconsider" by which the emergency clause failed.

Medical Marijuana/Business Licenses: HB 2023 by Rep. Scott Fetgatter (R-Okmulgee) and Sen. James Leewright (R-Bristow) specifies that the distance schools and marijuana between medical dispensaries must be measured from the nearest property line of the dispensary to the nearest property line of the school. It exempts the dispensary from the prohibited distance provision if any school is established within one thousand (1,000) feet of a dispensary after the dispensary has been licensed. It prohibits the Oklahoma Medical Marijuana Authority (OMMA) from revoking the license or denying any issuance, renewal or transfer of the license due to a mistake in measurement by OMMA or any change in usage of a public or private school after the issuance of the license. It requires the licensed property to be grandfathered in by OMMA if the property continues to be used in accordance with the original licensed purpose, regardless of any change in ownership.

The bill passed the House by a vote on Thursday by a vote of 61 to 24. The emergency clause failed by a vote of 61 to 24. The bill was held on "Motion to Reconsider" by which the emergency clause failed.

Underground Facilities Act: <u>PCS HB 2028</u> by Rep. Terry O'Donnell (R-Catoosa) and Sen. Mark Allen (R-Spiro) requires an excavator with knowledge that an operator has unmarked underground facilities to

give notice and mark facilities before excavation can commence. Notices shall expire fourteen (14) calendar days from the excavation start date. No excavation may continue unless subsequent notice has been provided. If excessive requests for marking are made by an excavator when no excavation is taking place, the excavator may be liable to the owner or operator for the reasonable cost of such marking. However, during the state of emergency declared by the Governor or Legislature that encompasses the area of excavation or demolition, the time limitation is inapplicable.

The committee substitute passed the House Utilities Committee on Tuesday by a vote of 10 to 0. The bill moves to the full House.

Law Enforcement/Riot: HB 2215 by Rep. Kevin McDugle (R-Tulsa) and Sen. Darrell Weaver (R-Moore) amends 21 O.S. Section 1320.2 regarding incitement to riot. Added is obstruction of an exit or entrance into a private business or obstruction of any street, road, highway, or thoroughfare used by the public. New law provides an exception from criminal or civil liability for injury or death is the motor vehicle operator was fleeing from a riot.

The bill passed the House Judiciary – Criminal Committee on Wednesday by a vote of 6 to 1. The bill moves to the full House.

Law Enforcement/Disposal of Property: HB 2225 by Rep. Anthony Moore (R-Clinton) and Sen. Darrell Weaver (R-Moore) amends 11 O.S. Section 34-104 regarding disposal of personal property or money or legal tender which has come into the possession of the municipal police department. Among the changes is notice to the property owner, requiring a court to determine the property is no longer needed to be held as evidence of for any purpose in connection to litigation, requiring the municipality, not the police chief to file a district court application to conduct a sale, as well as additional procedures for court action, plus notice requirements by the municipality.

The bill passed the House Judiciary -Civil Committee on Tuesday by a vote of 9 to 0. The bill moves to the full House.

Medical Marijuana/Firefighters: <u>HB 2244</u> by Rep. Stan May (R-Broken Arrow) removes firefighters from the definition of "safety-sensitive" positions.

The bill passed the House Alcohol, Tobacco and Controlled Substances Committee on Wednesday by a vote of 10 to 0. The bill moves to the full House.

Medical Marijuana Act of 2021: PCS HB 2272 by Rep. Josh West (R-Grove) directs the Oklahoma Medical Marijuana Authority (OMMA) to cap the number of dispensary, processor and grower licenses beginning September 1, 2021, the number of current active licenses combined with the total number of applications pending that were submitted prior to that date. Beginning September 1, 2022, any dispensary, processor, or grower licensee what does not actively use the license for a period of 18 months is not authorized to renew their license. The measure sets forth provisions as to what active use means. On July 1, 2021, or fifteen (15) days from the effective date of this act, the OMMA shall announce publicly the creation of and application process for a medical marijuana business license voucher.

The bill passed the House Alcohol, Tobacco and Controlled Substances Committee on Wednesday by a vote of 7 to 2. The bill moves to the full House.

Firefighter Pension System/IRS: HB 2278 by Rep. Josh West (R-Grove) and Sen. Paul Rosino (R-OKC) amends the Fire Pension System impacting the commencement of distribution of an accrued retirement benefit. New provision is made for a member who attains age seventy and one-half (70 ½) and age seventy-two (72).

The bill passed the House on Thursday by a vote of 85 to 0. The bill moves to the Senate.

Water/Wells: <u>HB 2330</u> by Rep. Jay Steagall (R-Yukon) requires a water well used by a municipality to be on platted or dedicated land at least six hundred (600) feet inside its corporate limits.

The bill passed the House Energy & Natural Resources Committee on Wednesday by a vote 11 to 0. The bill moves to the full House.

Law Enforcement: <u>HB 2505</u> by Rep. Chris Kannady (R-OKC) and Sen. Darrell Weaver (R-Moore) creates a new law that would require courts to conduct an evidentiary hearing after the return of an indictment where the named defendant is a law enforcement officer accused of first or second degree murder or manslaughter but prior to a preliminary hearing to determine whether the trial of the offense shall proceed.

The bill passed the House Judiciary – Criminal Committee on Wednesday by a vote of 8 to 0. The bill moves to the full House.

OMMA to ABLE: <u>HB 2674</u> by Rep. Jon Echols (R-OKC) transfers the duties and responsibilities of the Oklahoma Medical Marijuana Authority to the Alcoholic Beverage Laws Enforcement Commission.

The bill passed the House Alcohol, Tobacco and Controlled Substances Committee on Wednesday by a vote of 10 to 0. The bill moves to the full House.

Construction/At-Risk Projects: <u>HB 2861</u> by Rep. Kevin Wallace (R-Wellston) and Sen. Paul Rosino (R-OKC) amends 61 O.S. Section 2 imping at-risk construction management contracts and requiring a payment bond.

The bill passed the House on Thursday by a vote of 85 to 0. The bill moves to the Senate.

Law Enforcement/Mental Health Transport: SB 3 by Sen. David Bullard (R-Durant) and Rep. Justin Humphrey (R-Lane) amends transportation for mental health services by law enforcement act by allowing officers to use telemedicine to have a person assessed by a mental health professional. If the person needs treatment, the officer shall transport the person to the nearest facility within a thirty (30) mile radius. This bill also amends Section 5-207 over emergency detention and allows the officer to use telemedicine for the initial assessment. subsection f is removed which discusses what to do if the facility is over fifty (50) miles away.

The bill passed the Senate Appropriations Committee on Thursday by a vote of 19 to 0. The bill moves to the full Senate.

Law Enforcement/Doxing: SB 6 by Sen. Paul Rosino (R-OKC) and Rep. Josh West (R-Grove) is a new law that makes it unlawful for a person to publish or attempt to publish personally identifiable information such as the officers address or photograph with the intent to threaten, intimidate, harass or stalk. This information must cause or would be reasonably expected to cause the officer or members of his household substantial emotional distress or financial loss. any person who is found guilty is guilty of a misdemeanor.

The bill passed the Senate Appropriations Committee on Thursday by a vote of 19 to 0. The bill moves to the full Senate.

Tort Claims Act/Political Subdivisions: <u>SB 28</u> by Sen. Micheal Bergstrom (R-Adair) and Rep. Josh West (R-Grove) amends the Governmental Tort Claims Act by adding to the definition of a political subdivision. Included is a substate planning district, regional council of government or other entity created via 74 O.S. Section 1001 and following.

The bill passed the Senate Judiciary Committee today by a vote of 8 to 0. The bill moves to the full Senate.

Law Enforcement/Electronic Devices: SB 60 by Sen. J.J. Dossett (D-Owasso) prohibits a driver to use a handheld electronic communications device while the motor vehicle is in motion in a school zone unless the device can be used without the use of his/her hands.

The bill passed the Senate Public Safety Committee today by a vote of 8 to 3. The bill moves to the full Senate.

Sales Tax Exemption/University Hospitals Trust: SB 79 by Sen. Roger Thompson (R-Okemah) and Rep. Kevin Wallace (R-Wellston) expands the current sales tax exemptions for the University Hospitals Trust by adding nonprofit entities which have entered into joint operating agreements with the Trust.

The bill passed with the emergency clause removed the Senate Appropriations Committee on Thursday by a vote of 20 to 0. The bill moves to the full Senate.

Law Enforcement/Mental Health Diversion: SB 87 by Sen. John Haste (R-Broken Arrow) and Rep. Carol Bush (R-Tulsa) modifies a treatment center where a person in possession of a controlled dangerous substance who appear to in need of help can go, in lieu of an arrest, an approved drug treatment center or approved center for substance abuse evaluation by a law enforcement officer. Such centers shall be subject to the appropriate county, municipal, or tribal authority. The Department of Mental Health and Substance Abuse Services may approve or disapprove individual treatment centers. Additionally, the treatment center must receive annual approval from the county's district attorney.

The bill passed the Senate Appropriations Committee on Thursday by a vote of 19 to 0. The bill moves to the full Senate.

Public Notice/Affidavit of Publication: SB 90 by Sen. Brent Howard (R-Altus) and Rep. Chad Caldwell (R-Enid) amends 25 O.S. Section 108 by referencing 25 O.S. Section 106 and adding that the affidavit of publication shall constitute conclusive proof of publication and shall be incontestable in court.

The bill passed the Senate Judiciary Committee today by a vote of 9 to 0. The bill moves to the full Senate.

Firearms/Self-Defense Act: PCS SB 106 by Sen. Mark Allen (R-Spiro) and Rep. Terry O'Donnell (R-Catoosa) makes several changes to the Self-Defense Act including licenses and applications, background checks and the like.

The bill passed the Senate Public Safety Committee today by a vote of 9 to 2. The bill moves to the full Senate.

Local Government Websites: SB 112 by Sen. Brent Howard (R-Altus) and Rep. Chad Caldwell (R-Enid) amends 62 O.S. Section 896.1 by altering in several ways current law's requirement on use of websites

in calling an election for a vote on authorizing the "incurring of general obligation bonds" by local government entities. The governing board "may either" cause to be published on "or linked to" that website the description of the project or assets, any "previously approved and issued bonds that will remain outstanding" and the use of previous proceeds of "unpaid or unfinished bonds". No website is required to be created solely for this purpose. If there is no website the required information "may" be made available by some other method using the Internet. If there is no reasonable method the information shall be published in a newspaper of general circulation or if there is no newspaper meeting the requirements in the bill, the information is required to be posed in prominent view at the principal office of the governing body.

The bill passed the Senate General Government Committee on Thursday by a vote of 9 to 0. The bill moves to the Senate Appropriations Committee.

Open Meeting Act/OMPA: SB 118 by Sen. Chuck Hall (R-Perry) and Rep. Mike Osburn (R-Edmond) amends the Open Meeting Act authorizing the Oklahoma Municipal Power Authority to hold an executive session for discussing security plans and procedures including, but not limited to, cybersecurity matters. Similar language is added to the Open Records Act in 51 O.S. Section 24A.28 authorizing that applicable records may be kept confidential.

The bill passed the Senate Judiciary Committee today by a vote of 8 to 0. The bill moves to the full Senate.

Firearms/Felons: <u>SB 186</u> by Sen. David Bullard (R-Durant) and Rep. Sean Roberts (R-Hominy) amends 21 O.S. Section 1283 impacting the prohibition on felon's possession of specific firearms. The types of firearms are altered, a new provision added in the restoration of the right to possess a firearm and penalties are changed.

The bill passed Senate Public Safety Committee today by a vote of 11 to 0. The bill moves to the full Senate.

Sales Tax Exemption/City-County Library: <u>SB 265</u> by Sen. Kevin Matthews (D-Tulsa) and Rep. Monroe Nichols (D-Tulsa) creates a new sales tax exemption for city-county library systems.

The bill passed the Senate Finance Committee today by a vote of 11 to 0. The bill moves to the Senate Appropriations Committee.

Public Finance/Bonds: <u>SB 281</u> by Sen. Marty Quinn (R-Claremore) and Rep. Terry O'Donnell (R-Catoosa) requires municipal and county investments into bonds issued by the United States to only be invested in bonds with a rating of A+ or better by Standards and Poor's Corporation or A1 or better by Moody's Investor Service or an equivalent investment grade by a securities ratings organization accepted by the National Association of Insurance Commissioners including investment grade obligations state agencies.

The bill passed the Senate General Government Committee on Thursday by a vote of 9 to 0. The bill moves to the full Senate.

Electrical Licensing Act: SB 317 by Sen. Julie Daniels (R-Bartlesville) amends various sections of Title 59 and the Electrical License Act by adding definitions and regulation for "student electrical intern' and "listed electrical apprentice". New licensing duties are given to the Construction Industries Board and new law specifies how the intern and apprentice are supervised and allowed to work.

The bill passed the Senate Busines, Commerce and Tourism Committee on Thursday by a vote of 7 to 5. The bill moves to the full Senate.

Sales Tax Exemption/Manufacturing: SB 387 by Sen. John Haste (R-Broken Arrow) and Rep. Scott Fetgatter (R-Okmulgee) expands the sales tax exemption for manufacturing. It makes exempt sales for manufacturing operations for any manufacturer engaged in manufacturing as defined in 68 O.S. Section 1352. The definition of "manufacturing is also expanded to custom order manufacturing by manufacturers classified as operating in NAICS Sectors 32 and 33.

The bill passed the Senate Finance Committee today by a vote of 11 to 0. The bill moves to the Senate Appropriations Committee.

Sales Tax Exemption/Computer Equipment: SB 409 by Sen. Micheal Bergstrom (R-Adair) and Rep. Scott Fetgatter (R-Okmulgee) creates a sunset date for the sales tax exemption for qualified purchases made by certain businesses engaged in computer services and data processing. The exemption is set to expire on January 1, 2022.

The bill passed the Senate Appropriations Committee on Thursday by a vote of 20 to 0. The bill moves to the full Senate.

Sales Tax Exemption/Manufacturers: SB 411 by Sen. Micheal Bergstrom (R-Adair) and Rep. Scott Fetgatter (R-Okmulgee) amends the manufacturing sales tax exemption in 68 O.S. Section 1359. It removes paragraph 7 regarding sales to be incorporated in a new manufacturing or distribution facility or to expand an existing facility. The bill also repeals 68 O.S. Sections 1359.1 and 1359.2.

The bill passed the Senate Appropriations Committee on Thursday by a vote of 20 to 0. The bill moves to the full Senate.

Sales Tax/Veteran Registry: <u>SB 415</u> by Sen. Frank Simpson (R-Ardmore) amends the disabled veteran sales tax exemption by adding the requirement for a veterans registry created by the Oklahoma Department of Veterans Affairs.

The bill passed the Senate Appropriations Committee on Thursday by a vote of 19 to 0. The bill moves to the full Senate.

Firearms/Marijuana: SB 442 by Sen. Nathan Dahm (R-Broken Arrow) amends current law regarding the unlawful carrying of various firearms while under the influence of intoxicating substances by adding medical marijuana. In addition, an exception is made in 21 O.S. Section 1290.11 regarding preclusion from eligibility for a handgun license for illegal drug use or possession if the person is in legal possession of a medical marijuana patient license. Finally, a qualified applicate for a

handgun license cannot be denied a license solely based on holding a medical marijuana patient license.

The bill passed Senate Public Safety Committee today by a vote of 11 to 0. The bill moves to the full Senate.

Local Development Act/OTC: PCS SB 500 by Sen. Mary Boren (D-Norman) amends 62 O.S. Section 861 by requiring the Oklahoma Tax Commission, in collaboration with the State Department of Education, State Board of Career and Technology Education and the Oklahoma Department of Commerce, to create and publish a report by March 31 of each year documenting the amount of increments of local taxes and fees apportioned via this section in the previous calendar year. Included must be the economic impact and estimate the amount of funds benefiting public schools that were decreased because of the apportionments.

The committee substitute the Senate Finance Committee today by a vote of 9 to 0. The bill moves to the full Senate.

Funerals/First Responders: SB 567 by Sen. Joe Newhouse (R-Broken Arrow) and Rep. Dean Davis (R-Broken Arrow) authorizes the State of Oklahoma to establish a program to provide funding for funeral assistance of all members of the National Guard, police, state troopers, firefighters and first responders who have died in the line of duty while in response to state orders. It defines "state orders" to mean serving on a state-specific and statemanaged mission to respond to domestic emergencies, including, but limited to, natural disasters and civil disturbances. The maximum reimbursement for funeral expenses is set at \$10,000 and only residents of Oklahoma qualify.

The bill passed with the title stricken in the Senate Appropriations Committee on Thursday by a vote of 19 to 0. The bill moves to the full Senate.

REC/Utility Pole Attachment: <u>SB 621</u> by Sen. James Leewright (R-Bristow) is new law providing rates changed by rural electric cooperatives (REC) for attachments to utility poles by communications

services providers shall not exceed \$20. No REC shall provide cable television or video services, as defined in 11 O.S. Section 22-107.1, to any municipality without first obtaining a franchise from the city or town.

The bill passed the Senate Energy Committee on Thursday by a vote of 11 to 0. The bill moves to the full Senate.

Environment/Oklahoma PFAS Waste Act: SB 622 by Sen. James Leewright (R-Bristow) is new law creating the -Oklahoma PFAS Waste Act regulating perfluoroalkyl and polyfluoroalkyl substances. included are definitions, exceptions, authority for DEQ rulemaking, disposal requirements and procedural requirements.

The bill passed the Senate Energy Committee on Thursday by a vote of 10 to 2. The bill moves to the full Senate.

Firearms/Municipal Carry: PCS SB 644 by Sen. (R-Tahlequah) Stephens Blake authorizes municipalities, by ordinance, to allow municipal employees to carry concealed firearms for their personal protection once the employee has been issued a valid handgun license. Carrying a firearm shall not be considered a requirement for continued employment, the bill provides details on carrying the firearm, immunity is provided under certain conditions, firearm-prohibited locations are created. In addition, the state preemption is expanded by adding "firearm and ammunition" and adding municipal "policies", political subdivision legal exposure is expanded including "reasonable expenses" which includes attorney fees, expert witness fees and court costs.

The committee substitute passed the Senate Public Safety Committee today by a vote of 10 to 1. The bill moves to the full Senate.

Taxation/Electrical Vehicles: <u>SB 656</u> by Sen. Zack Taylor (R-Seminole) is new law apportioning tax collected on public highway electric vehicles including definitions.

The bill passed the Senate Finance Committee today by a vote of 10 to 1. The bill moves to the Senate Appropriations Committee.

Firearms/Transportation: PCS SB 672 by Sen. Casey Murdock (R-Felt) and Rep. Kenton Patzkowsky (R-Balko) impacting transportation of a firearm in a vehicle as well as improper transportation. The bill deletes current language and repeals 21 O.S. Section 1289.13, as last amended by Section 6, Chapter 1, O.S.L. 2019.

The committee substitute passed the Senate Public Safety Committee today by a vote of 9 to 2. The bill moves to the full Senate.

9-1-1 Management Authority: SB 687 Sen. Darrell Weaver (R-Moore) amends the Oklahoma 9-1-1 Management Authority in several ways. includes escrowing funds if a public agency fails to submit or comply with master plans to deliver Next Generation 9-1-1 (NG9-1-1) with local plans being required to "align with the State's Master plan to deploy NG9-1-1". Also, funds are escrowed if the public agency fails to "provide connectivity and interoperability between state, regional and local next-generation systems". Changes are made to development of a "master" plan and establishing rules on NG9-1-1 systems, training program standards are altered, reports are required of the Oklahoma Tax Commission, and the Authority shall oversee all 9-1-1 fees collected under the Oklahoma Emergency Telephone Act and order the escrowing of fees misspent or diverted to a purpose other than authorized by the Act.

The bill passed the Senate Public Safety Committee today by a vote of 11 to 0. The bill moves to the full Senate.

REC/Pole Attachment Fees: <u>SB 708</u> by Sen. James Leewright (R-Bristow) caps the rate at which rural electric cooperatives may charge for attachments to utility poles by communications services providers at Twenty-One Dollars (\$21.00) per rural-electric-cooperative-owned pole per year. The rate may be increased by ten percent (10%) every five (5) years rounded to the nearest dollar. The monetary cap does not include any applicable charges for electric

power. The bill requires the REC that attach a pole resulting in the pole being moved to pay for the cost of the relocation of the communications services provider's attachment.

The bill passed the Senate Energy Committee on Thursday by a vote of 11 to 0. The bill moves to the full Senate.

Firearms/County Officials: SB 711 by Sen. John Haste (R-Broken Arrows) and Rep. Ross Ford (R-Broken Arrow) expands the Sheriff's current authority by authorizing county employees to carry a concealed handgun in "county owned buildings".

The bill passed the Senate Public Safety Committee today by a vote of 9 to 2. The bill moves to the full Senate.

Workers' Compensation/Medical Treatment: <u>SB</u> 724 by Sen. Nathan Dahm (R-Broken Arrow) amends 85A O.S. Section 50 impacting the employer's duty to promptly provide an injured employee with medical treatment. The bill removes the Physician Advisory Committee's role in treatment parameters and repeals 85A O.S. Sections.

The bill passed the Senate Judiciary Committee today by a vote of 5 to 3. The bill moves to the full Senate.

Interlocal Cooperation Act: SB 738 by Sen. John Montgomery (R-Lawton) requires the entity that has been created by the interlocal agreement be subject to examination by the Insurance Commissioner in the same manner as often as licensed insurance companies are examined, if it has received premiums for insurance it provides for any purpose within a twelve (12) month period.

The bill passed with the title stricken the Senate Retirement and Insurance Committee on Thursday by a vote of 7 to 2. The bill moves to the full Senate.

Police Pension/Disability: SB 743 by Sen. Darrell Weaver (R-Moore) amends the Oklahoma Police Pension Act by expanding the definition of "permanent in-line disability. Specifically, a police officer serving in any capacity at a regular police

department who becomes so physically or mentally disabled, while in, and in consequence of, the performance of authorizing activities while on duty that he/she is unable to perform the required duties of a police officer. Current law is "incapacity to earn any wages as a certified, commissioned police officer due to accidental injury or occupational disease, incurred while in, and in consequence of, the performance of duty as an officer." In addition, "normal disability benefit" is increased "not to exceed 30 years of service if the officer has more than 20 years of credited service". Finally, the criteria for a disability determination are altered removing current language of a "percentage of impairment to the whole person."

The bill passed the Senate Retirement and Insurance Committee on Thursday by a vote of 9 to 0. The bill moves to the full Senate.

Tourism/Lease: PCS for SB 790 by Sen. James Leewright (R-Bristow) is new law authorizing the Oklahoma Tourism and Recreation Commission to negotiate an operational and management lease with any city, county, other agency of government or Indian tribe, of its operational, management and infrastructure responsibilities in real and personal property owned by the state.

The committee substitute passed the Senate Busines, Commerce and Tourism Committee on Thursday by a vote of 10 to 3. The bill moves to the Senate Appropriations Committee.

Rural Broadband Expansion Council: <u>SB 802</u> by Sen. James Leewright (R-Bristow) amends the Rural Broadband Expansion Council by increasing the number of board members, adding designated board members including providing for a "current or past" mayor from a population of less than 35,000 – current law is 25,000.

The bill passed the Senate Busines, Commerce and Tourism Committee on Thursday by a vote of 12 to 1. The bill moves to the full Senate.

Law Enforcement/Crisis Deescalation Training: PCS SB 811 by Sen. Adam Pugh (R-Edmond) is new law requiring crisis intervention training.

Beginning January 1, 2022, CLEET shall include one (1) hour of crisis de-escalation training. In addition, by January 1, 2022, CLEET, pursuant to its authority granted by Section 3311 of Title 70, must include in its required basic training courses for law enforcement certification a minimum of four (4) hours of education and training in crisis deescalation training.

The committee substitute passed the Senate Public Safety Committee today by a vote of 11 to 0. The bill moves to the Senate Appropriations Committee.

Employment/Discrimination: <u>SB 835</u> by Sen. Blake Stephens (R-Tahlequah) is new law prohibiting discrimination based on a person's vaccination or immunity status by any public accommodation.

The bill passed the Senate Judiciary Committee today by a vote of 6 to 2. The bill moves to the full Senate.

Law Enforcement/Personal Information: SB 858 by Sen. Tom Dugger (R-Stillwater) and Rep. John Talley (R-Stillwater) is new law authorizing all law enforcement organizations to request to a county clerk, county treasurer, county election board, and county assessor, that officer's personal information not be made publicly available on the Internet, but instead be kept in a secure location.

The bill passed the Senate General Government Committee on Thursday by a vote of 9 to 0. The bill moves to the full Senate.

Sales Tax Exemption/Museums: SB 909 by Sen. Adam Pugh (R-Edmond) creates a new sales tax exemption for tax exempt museums that are not accredited by the American Alliance of Museum, whose budgets are less than \$1 million and maintains a staff of less than five full-time equivalent employees.

The bill passed the Senate Finance Committee today by a vote of 10 to 1. The bill moves to the Senate Appropriations Committee.

Firearms/Private Property: <u>SB 925</u> by Sen. Nathan Dahm (R-Broken Arrow) regulates pointing

firearms in various ways including penalties, authorizing pointing of firearms in certain situations while making other acts unlawful, expanding right to use deadly force at occupied premises and the like.

The bill passed the Senate Public Safety Committee today by a vote of 9 to 2. The bill moves to the full Senate.

Open Records/Insurance Records: SB 1015 by Sen. Julie Daniels (R-Bartlesville) allows an intergovernmental self-insurance pool to keep records received from risk pool participants that can otherwise be obtained from risk pool participants confidential.

The bill passed the Senate General Government Committee on Thursday by a vote of 9 to 0. The bill moves to the full Senate.

Open Meetings: <u>SB 1032</u> by Sen. Pro Tempore Greg Treat (R-OKC) allows a public body that maintains a website and utilizes a high-speed internet connection to stream live all meetings on such website and posted on the website after the meeting during a state of emergency declared by the Governor.

The bill passed the Senate General Government Committee on Thursday by a vote of 8 to 0. The bill moves to the full Senate.

Next Week at the Capitol

(As of the time of distribution, this is a list of the meetings that have been posted.)

Monday, February 22, 2021
House County and Municipal Government
Committee
3:00 p.m. in Room 4s5

TIF Districts: HB 1138 by Rep. Scott Fetgatter (R-Okmulgee) allows the maximum duration of Tax Increment Financing to exceed 25 years if the governing body finds that the economic conditions within the district were adversely affected by Covid-19. The new maximum duration for tax increment financing under this bill is 28 years. Tax increment finance (TIF) districts are used by cities in Oklahoma to promote private development. A portion of taxes generated with the district are used to invest in the district's infrastructure or fund other economic development projects. New development in the district leads to higher property values and the increase in city tax revenue is reinvested within the district.

Environment/Municipal and County Landfill Utilization District: HB 1141 by Rep. Scott Fetgatter (R-Okmulgee) is a new law that allows a county or municipality to create a landfill utilization district if it is approved by the registered voters of the county or municipality. The landfill utilization district creates an annual fee levied on the property in the district to pay for the general operations of the landfill. The fee can be no greater than the total of the preceding annual operating expenses of the landfills in the district.

Counties/Nuisance Properties: PCS HB 1749 by Rep. Denise Crosswhite Hader (R-Yukon) allows county treasures to have discretion to not bid off the property in the name of the county and instead allow the property to remain under its current ownership. Nuisance property shall be defined as property that is deemed unmarketable or unusable due to the existence of liens more than the property's fair market value as shown by the county assessor's office, or due to environmental problems or

conditions that exist on the property that would cost more to remedy than the fair market value of the property as shown by the assessor's office. Greenbelts, common areas, easements, retention ponds and detention ponds may also be considered nuisance property if transferring ownership to either the county or a third party would cause a hardship to the neighborhood or subdivision these areas were meant to serve, or to the county or third party. The county treasurer shall make the determination, in conjunction with review and approval of the board of county commissioners, upon consideration of the above factors, as to whether property constitutes nuisance property.

OK Natural Disaster Mitigation Recovery Act: HB 2092 by Rep. Lonnie Sims (R-Jenks) is new law creating the Oklahoma Natural Disaster Mitigation and Recovery Act for use by the counties following a vote of the people with 60% passage. There is an assessment of no greater than two (2) mills on the dollar of assessed value of specific property with exceptions.

Code Enforcement/Liens: PCS HB 2423 by Rep. Monroe Nichols (D-Tulsa) is new law creating comprehensive regulation of municipal code liens as to real property, other than owner occupied property, in the municipality; and the provisions of this act shall not apply to owner occupied property. The bill impacts fees, penalties and abatement costs imposed for violations of the municipality's housing and building codes.

House Banking, Financial Services and Pension Committee 3:00 p.m. in Room 5s2

Sales Tax Exemption/Ag Exemption: HB 1682 by Rep. Jim Grego (R-Wilburton) changes the application for an agricultural exception permit in 68 O.S. Section 1358.1, Paragraph D, by creating an exception. The Oklahoma Tax Commission shall not require any person to provide Schedule F, or a copy of Schedule F, or any equivalent form, with respect to a federal income tax return to obtain any proof of eligibility for the exemptions authorized by 68 O.S. Sections 1358 or 1358.1.

Retired Firefighters Pension Benefit Act: PCS HB 2461 by Rep. Dick Lowe (R-Amber) creates the Andy Davis Memorial Pension Benefits Act of 2021. For those active or retired members who die on or after July 1, 2021, the beneficiary shall receive the sum of Fifteen Thousand Dollars (\$15,000).

Police Pension: <u>HB 2499</u> by Rep. Avery Frix (R-Muskogee) amends the Police Pension Act by altering authorized payments including to the beneficiary's estate or to a trust.

Pension/Line-of-Duty Disability: HB 2745 by Rep. Ross Ford (R-Broken Arrow) amends the Oklahoma Pension Legislation Actuarial Analysis Act by stating the a "nonfiscal retirement bill" means a retirement bill which modifies the computation of the line-of-duty disability benefit. The Police Pension System adds new language on computing the disability benefit in 11 O.S. Section 50-115.

Police Pension/Military Police: <u>HB 2758</u> by Rep. Ross Ford (R-Broken Arrow) amends the Oklahoma Pension Legislation Actuarial Analysis Act by providing a "nonfiscal retirement bill" means a bill which provides for participation by military police officers. Military police officers are added to the Oklahoma Public Employees Retirement System.

Tuesday, February 23, 2021

House Elections and Ethics Committee 10:30 a.m. in Room 5s2

*Municipal Election Reform Act: <u>HB 2848</u> by Rep. Sean Roberts (R-Hominy) is the Oklahoma Municipal Election Reform Act of 2021 altering available regular or special election dates.

*In anticipation that HB 2848 will be reassigned.

House Public Safety Committee 10:30 a.m. in Room 4s5

CLEET/Technology Centers: <u>HB 1026</u> by Rep. Rande Worthen (R-Lawton) allows CLEET to use State sponsored technology center schools for additional law enforcement and criminal justice programs.

Law Enforcement/Reckless Driving: <u>HB 1770</u> by Rep. Mike Dobrinski (R-Kingfisher) requires that it be deemed reckless driving for any person driving a motor vehicle to harass, taunt or maliciously throw an object at or in the direction of any person riding a bicycle, equine or animal-drawn vehicle.

9-1-1/Volunteer Fire Departments: PCS HB 1942 by Rep. David Smith (R-Arpelar) requires those areas in which a volunteer fire department services a nine-one-one (911) emergency telephone area that all emergency calls received through the 911 system and all calls requesting emergency management services must be dispatched to the volunteer fire department of the nearest geographic proximity to the call location.

CLEET: <u>HB 1944</u> by Rep. Cyndi Munson (D-OKC) is new law providing that CLEET may offer training for peace officers on how to alert a school district or charter school when a student has been identified at the scene of a traumatic event.

Statewide Interoperable Communications System Fund: <u>HB 2240</u> by Rep. Stan May (R-Broken Arrow) is new law creating the Statewide Interoperable Radio Communications System Fund for the purpose of a needs assessment for a statewide interoperable radio communications system.

Land Mobile Radio Public Safety Interoperability Cooperative: PCS HB 2319 by Rep. Avery Frix (R-Muskogee) creates in the State Treasury a revolving fund for Oklahoma Department of Emergency Management (OEM) to be designated "Statewide Interoperable Radio Communication System Revolving Fund". The fund is a continuing fund for the purpose of awarding grants by and through the Land Mobile Radio Public Safety Interoperability Cooperative for the purpose of implementing and maintaining a statewide interoperable radio communication system. The Safety Interoperability Land Mobile Radio Cooperative is required to design and implement a interoperable plan for a statewide communication system. The Cooperative must develop the plan and its implementation in collaboration with all state agencies, political

subdivision entities and other interested parties that manage or maintain a public safety radio system in this state. On or before November 1, 2022, the Cooperative shall submit a plan that will include, but not be limited to, 1) a statement of progress regarding the design and 2) implementation of the system; and identification of any statutory changes and funding necessary to implement and maintain the system.

Firearms/Public Property: HB 2334 by Rep. Jay Steagall (R-Yukon) amends 21 O.S. Section 1277 by making lawful the carrying of a concealed or unconcealed firearm in various areas including a "street, plaza, sidewalk and alley". For public trusts zoo or park an individual may openly carry a handgun or other firearm with the permission from the public trust or nonprofit entity.

Law Enforcement/Seatbelts: HB 2742 by Rep. Ross Ford (R-Broken Arrow) requires 17-years old or younger passengers to wear a seatbelt, with age-appropriate restraint systems for different ages.

House Judiciary - Civil Committee 3:00 p.m. in Room 450

Eminent Domain: <u>HB 1604</u> by Rep. Collin Walke (D-OKC) amends eminent domain in 27 O.S. Sections 9 and 13 in several ways. Included in Section 9 is removing "in which federal, state or local funds are used" and in Section 13 adding that policies found herein shall not serve as the basis for a separate cause of action but may serve as the basis for additional damages.

Hospitals/Bankruptcy: <u>HB 2227</u> by Rep. Anthony Moore (R-Clinton) amends 62 O.S. Section 283 authorizing a public trust, county hospital, city hospital or any other political subdivision to initiate proceedings provided by the Bankruptcy Acts of the U.S.

Workers' Compensation/First Responders: <u>HB</u> 2276 by Rep. Josh West (R-Grove) amends 85A O.S. Section 13 to provide a compensable injury for first responders who have suffered post-traumatic stress disorder not accompanied by a physical injury. If the first responder is temporarily unable to perform

his/her job or any alternative work offered by the employer, and additional disability benefits is authorized. The employer shall provide reasonable and necessary medical treatment for a period o no longer than 1 year and shall not be responsible for prescription medicine more than \$10,000. Health insurance shall be maintained for the first responder.

City-County Boards of Health: <u>HB 2504</u> by Rep. Chris Kannady (R-OKC) amends the city-county boards of health by authorizing the State Commissioner of Health to appoint board members, approve rules and regulations, advise on agreements for method of operation and determine the duties and qualification of the director who services at the Commissioners pleasure.

Assault & Battery/Public Transit Operator: HB 2518 by Rep. Chris Kannady (R-OKC) creates a new offense on any person who, without justifiable or excusable cause and with intent to do bodily harm, commits any aggravated assault and battery or any assault with a firearm or other deadly weapons upon an operator of public transit in the performance of their job. The individual, upon conviction, shall be guilty of a felony punishable by not less than two (2) or more than five (5) years in Department of Corrections, or by a fine not to exceed One Thousand Dollars (\$1,000) or by both.

Wednesday, February 24, 2021

House Business and Commerce Committee 9:00 a.m. in Room 206

Home Bakery Act: HB 1032 by Rep. Garry Mize (R-Edmond) amends the Home Bakery Act of 2013 by exempting the production and sale of homemade food products that meet certain conditions from all licensing and other requirements of the State Department of Health and the Oklahoma Department of Agriculture, Food, and Forestry. Counties cannot enact ordinances that impede the sale of homemade food products. This bill also allows beekeepers to sell honey online and through an agent. This bill provides new definitions and extensive details such as how to label the products.

CIB/OUBCC: <u>HB 1818</u> by Rep. Mark McBride (R-Moore) authorizes the Construction Industries Board to regulate home inspectors and implement and administer the Oklahoma Uniform Building Code Commission Act.

Economic Development/Department of Commerce: HB 2929 by Speaker Charles McCall (R-Atoka) is new law requiring the Department of Commerce to post on its website information related to its business recruiting efforts with an emphasis on possible business site location or relocation decisions within the state. Included is information organized by county or by municipalities so they may apply for economic development-related services that might be offered to a prospective business enterprise.

House Technology Committee 10:30 a.m. in Room 5s2

Broadband Deployment Grant Program: HB 1124 by Rep. Logan Phillips (R-Mounds) is a new law that requires the Corporation Commission to make rules and procedures to establish the state broadband development program. This program is a grant that awards funding to applicants seeking to expand access to broadband internet service in Oklahoma. This bill creates a fund for this grant.

Online Marketplace Consumer Protection Act: HB 1627 by Rep. Garry Mize (R-Edmond) creates the Online Marketplace Consumer Protection Act by requiring third-party high-volume sellers in online marketplaces to provide certain information such as bank account information, contact information, a business tax identification number or a taxpayer identification number, and whether the highvolume third-party seller is exclusively advertising or offering the consumer product or is advertising and offering on other websites. The online marketplace is to disclose to consumers information regarding the high-volume third-party seller. The online marketplace is to disclose to consumers a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity. The Attorney General is directed to enforce the Online Marketplace Consumer Protection Act. The bill prohibits a political subdivision from requiring online marketplaces from verifying information from high-volume third-party sellers on a one-time or ongoing basis or disclose information to consumers.

Unmanned Aircraft **Systems/Aeronautics** Commission: PCS HB 2174 by Rep. Kyle Hilbert (R-Depew) creates the Unmanned Aircraft Systems Development Act of 2021. The Oklahoma Aeronautics Commission is deemed the clearinghouse for Unmanned Aircraft Systems (UAS) in the state, and as the designated agency for promotion, enhancement, and development of UAS. In operation of the clearinghouse, the commission would cooperate, assist, and coordinate with the federal government, state agencies, tribal entities, municipalities, and other persons in development of UAS throughout the state. The bill also defines several definitions related to unmanned aircraft systems.

House Judiciary - Criminal Committee 10:30 a.m. in Room 206

Code Official/Assault & Battery: PCS HB 1134 by Rep. Scott Fetgatter (R-Okmulgee) creates a new offense on any person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery, or assault and battery upon the person of a municipal of county code official who is in the lawful performance of his or her duties of investigating or enforcing the codes, rules or regulations adopted by county legislation or municipal ordinance. The individual, upon conviction, shall be guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500) or both. Upon second conviction for the offense, the person is guilty of a felony punishable by imprisonment in DOC for a term not to exceed two (2) years, or by a fine not to exceed Three Thousand Dollars (\$3,000) or both.

Law Enforcement/Domestic Violence: <u>HB 1658</u> by Rep. Denise Brewer (D-Tulsa) directs the peace officer to contact certified domestic violence intervention program providers at the conclusion of

a lethality assessment. The peace officer shall encourage the victim to speak with the program provider for assistance and information regarding options and resources available to the victim.

Firearms/Self-Defense: HB 1662 by Rep. Kevin West (R-Moore) creates an appeal process for a defendant who is charged with unlawful use of defensive force for the defendant to file a motion to dismiss charges based on a claim. The bill requires that if the court still decides at the end of the appeals process to pursue the unjustified use of force charge then the state must prove beyond a reasonable doubt the defensive force used was not justified and was thereby unlawful, cleans up the language of the statue.

Firearms/Felons: PCS HB 2401 by Rep. Todd Russ (R-Cordell) amends unlawful carry of a firearm for a person convicted of a "violent" felony, "or a felony offense which required the person to serve not less than 85% of the sentence imposed.

House Public Health Committee 10:30 a.m. in Room

Preemption/Catastrophic Health Emergency Powers Act: HB 2218 by Rep. Kevin McDugle (R-Tulsa) amends 63 O.S. Section 6403 by prohibiting the Governor or any other government entity to force a business to close, limit or restrict the hours of operation of a business or limit or restrict the number of occupants or patrons allowed in a business.

House General Government Committee 3:00 p.m. in Room 4s5

Open Meetings Act: <u>HB 2644</u> by Rep. Jon Echols (R-OKC) authorizes public bodies to hold meetings via videoconference and teleconference effective until March 31, 2024. Current law is effective until November 15, 2020.