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**In This Issue:**

Session Clock is Winding Down	1
Bills Signed by Governor Stitt	2
Bills on Governor Stitt's Desk	4
Bills Rejected & Sent to Conference	5



**SESSION CLOCK IS WINDING DOWN**

The session clock is quickly winding down. With only 3 weeks left until the Legislature has to Sine Die, a minimal number of policy bills were heard in both chambers during floor sessions this week.

One more priority bill was signed by Governor Stitt on Monday. [SB 277](#) by Sen. Montgomery and Rep. Daniel Pae (R-Lawton) amends 11 O.S. Section 22-110.1 authorizing municipalities to gather contact information for persons responsible for emergency contracts and property maintenance for addressing public nuisances, dilapidated properties, or other unlawful conduct. Also, municipalities may require contact information for responsible parties to receive notice and service of process. This bill closes the hole that was caused when municipalities were pre-empted by legislation in 2014. A fee may not be collected by the municipality and the information must be kept confidential by municipalities and not subject to disclosure under the Open Records Act.

The bill goes into effect on November 1, 2021.

Also, [SB 862](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Carol Bush (R-Tulsa) passed the Senate yesterday by a [vote](#) of 45 to 2 and has been sent to Governor Stitt's desk. The bill amends 21 O.S. Section 1247 expanding smoke free locations for counties and municipalities. There has been a significant number of issues with smoking and vaping of marijuana near children in public parks, sidewalks, and other public places. This bill allows municipalities to add "marijuana" to smoke free places ordinances relating to public smoking and vaping on municipal property. The new "smoke free" locations will be ones where the use of tobacco, nicotine, marijuana, or other lawful products consumed in a smoked or vaporized manner are prohibited.

The bill goes into effect on November 1, 2021.

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

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## BILLS SIGNED BY GOVERNOR STITT

**Sales Tax Exemptions/Corporations and Partnerships:** [HB 1060](#) by Rep. Bard Boles (R-Marlow) and Sen. Lonnie Paxton (R-Tuttle) amends the sales tax exemptions for corporations and partnerships by providing that property transferred between wholly owned subsidiaries of a parent company and between a parent company and its wholly owned subsidiary is exempt from the sales tax in 68 O.S. 1350.

The bill goes into effect on November 1, 2021.

**OWRB/Watershed Trading:** [HB 1093](#) by Rep. Dell Kerbs (R-Shawnee) and Sen. Casey Murdock (R-Felt) requires the Oklahoma Water Resources Board to propose rulemaking to allow for the development of nutrient trading programs by state environmental agencies no later than November 1, 2026.

The bill goes into effect on November 1, 2021.

**Open Records/Personal Information:** [HB 1876](#) by Rep. Tammy West (R-Bethany) and Sen. Brenda Stanley (R-Midwest City) 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 went into effect on May 3, 2021.

**Law Enforcement/Violations:** [HB 1967](#) by Rep. Jadine Nollan (R-Sand Springs) and Sen. Dewayne Pemberton (R-Muskogee) amends 47 O.S. Section 11-705 by requiring a school bus driver who witnesses a violation of this section, "on or before the end of the next business day following the alleged offense, to report the violation to law enforcement.

The bill goes into effect on November 1, 2021.

**Municipal Campaign and Finance Disclosure:** [HB 2193](#) by Rep. Preston Stinson (R-Edmond) and Sen. Micheal Bergstrom (R-Adair) amends the Municipal

Campaign Finance Act by redefining "municipal office" to mean any elective municipal office "established under state or municipal law".

The bill goes into effect on November 1, 2021.

**Tobacco Products Tax Enhancement Act:** [HB 2292](#) by Rep. Dustin Roberts (R-Durant) and Sen. David Bullard (R-Durant) is new law creating the Tobacco Products Tax Enforcement Act of 2021 which creates an Enforcement Unit including duties and requirements. New language includes the excise tax imposed via 68 O.S. Section 400 and following impacting electric filing by wholesalers, tax reports, procedures for tax collection, requirements for retailers and duties for the Tax Commission. Changes are made to various Sections of Title 68 including requirements for wholesalers, increased penalties, seizure of vehicles used in avoidance of tax, repeal of some sections of law and the like.

The bill goes into effect on July 1, 2021.

**2-1-1 Regulations:** [HB 2316](#) by Rep. Mark Lawson (R-Sapulpa) and Sen. Dave Rader (R-Tulsa) amends the 2-1-1 Coordinating Council to the 2-1-1 Collaborative. The Collaborative is designated as the state lead entity on all 2-1-1 call centers including certifying information and referral providers. The bill provides details on the membership of the Collaborative, by-laws to govern its operations, minimum required meetings, reporting requirements and the like.

The bill goes into effect on July 1, 2021.

**Law Enforcement/Escort Vehicles:** [HB 2325](#) by Rep. Avery Frix (R-Muskogee) and Sen. Micheal Bergstrom (R-Adair) amends 47 O.S. Section 14-120.1 providing that escort vehicle requirements shall not apply to retail implement dealers transporting farm implements from a retail distribution point to a farm or other location within a 150 air-mile radius from the distribution point.

The bill went into effect on May 3, 2021.

**PERB:** [HB 2747](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. John Haste (R-Broken Arrow) amends 11 O.S. Section 51-103 by striking language about a role for the Public Employees Relations Board and substituting that a municipal employer must recognize an association elected by a majority of the firefighters or police officers as the exclusive bargaining agent. The association is selected by majority vote. A question of whether an association is the majority representative shall be resolved by a fair election conducted via the agreement of the parties. Each party may select an observer of counting the ballots cast. If the parties are unable to reach agreement on election procedures either party may ask the American Arbitration Association to conduct the election with costs shared by both parties. The bill grandfathers in bargaining agents recognized prior to the effective date of the bill, establishes procedures for voting and when a bargaining agent is not the exclusive bargaining agent, the effect of fraudulent activity and the like.

The bill goes into effect on November 1, 2021.

**Electric-Assisted Bicycles:** [SB 184](#) by Sen. Carri Hicks (D-OKC) and Rep. Carol Bush (R-Tulsa) authorizes the use of a Class 3 electric-assisted bicycles on multi-use paths. The bill also prohibits the use of any class of electric-assisted bicycle at a speed greater than twenty (20) miles per hour except on a street with a posted speed limit above twenty (20) miles per hour.

The bill goes into effect on November 1, 2021.

**DEQ/Air Curtain Incinerators:** [SB 246](#) by Sen. Mark Allen (R-Spiro) and Rep. Sean Roberts (R-Hominy) authorizes the Department of Environmental Quality to require the use of an air curtain incinerator for fires purposely set, in areas with a population greater than five hundred thousand (500,000), or where the Department-certified ambient air quality monitoring data documents a violation of primary National Ambient Air Quality Standards.

The bill goes into effect on November 1, 2021.

**Law Enforcement/Telecommunications:** [SB 272](#) by Sen. Darrell Weaver (R-Moore) and Rep. Rande Worthen (R-Lawton) creates new law regulating law enforcement requests to wireless telecommunication carriers to provide call location information to respond to emergencies. The bill gives duties to the OSBI including rulemaking.

The bill goes into effect on November 1, 2021.

**Election Dates:** [SB 347](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Ryan Martinez (R-Edmond) is new law prohibiting political subdivisions from scheduling a regular or special election conducted by a county election board on the second Tuesday of December 2021, the second Tuesday of January 2022 or the first Tuesday of March 2022. In addition, the second Tuesday of June of an odd-numbered year for a special election to fill a vacancy is added to 26 O.S. Section 3-101.

The bill went into effect on May 5, 2021.

**Unmanned Aircraft Systems:** [SB 659](#) by Sen. Paul Rosino (R-OKC) and Rep. amends the Oklahoma Aeronautics Commission Act by adding regulation of unmanned aircraft systems or drones, establishes the Commission as the Clearinghouse for Unmanned Aircraft Systems (UAS) as a central point in state government to develop a strategy for how Oklahoma can become a leader in the UAS industry while cooperating and assisting governmental entities, including municipalities.

The bill goes into effect on November 1, 2021.

**Preemption/Personal Delivery Devices:** [SB 706](#) by Sen. Paul Rosino (R-OKC) and Rep. Jon Echols (R-OKC) is new law authorizing a personal delivery device to operate on any sidewalk, crosswalk, road or street of any county or municipality. The bill contains definitions, regulation of the devices, requirements for insurance and limitations on political subdivision relating to the design, licensing, taxation and the like of the delivery device or the types of property that may be transported by the device. The political subdivision shall have the

authority to prohibit the operation of the devices in its jurisdiction.

The bill goes into effect on November 1, 2021.

**OESC:** [SB 794](#) by Sen. James Leewright (R-Bristow) and Rep. Kevin Wallace (R-Wellston) makes several changes to the Oklahoma Employment Security Commission. This includes e-file preference for filing, providing digital portals for claims, nonprofit employers, discharge for misconduct, nonseasonal workers, notices, judicial review, child support obligations, wrongful disclosure of information and the like.

The bill goes into effect on November 1, 2021.

**Nuisance/Critical Infrastructure:** [SB 939](#) by Sen. Zack Taylor (R-Seminole) and Rep. John Pfeiffer (R-Mulhall) amends 50 O.S. Section 16 creating an exception for critical infrastructure sectors from current law's nuisance authority. Critical infrastructure sectors are defined. In addition, these operations must be in compliance with, or actions are consistently with government rules, guidelines, and municipal ordinances or laws applicable to their sector.

The bill goes into effect on November 1, 2021.

### **BILLS ON GOV. STITT'S DESK**

**Homemade Food Freedom Act:** [HB 1032](#) by Rep. Garry Mize (R-Edmond) and Sen. Adam Pugh (R-Edmond) creates the Homemade Food Freedom Act by renaming the Home Bakery Act of 2013. It then amends the Act including creating and changing several definitions, adds an exemption from the Department of Agriculture licensing and other requirements, provides detailed regulations, authorizes the Health Department to investigate reported foodborne illness and authorizes the Department of Agriculture a degree of regulatory authority. The bill contains fines, a provision that counties cannot enact ordinances that conflict with the provisions of this Act and contains selling requirements for beekeepers.

**Law Enforcement/Trespassing:** [HB 1135](#) Rep. Scott Fetgatter (R-Okmulgee) and Sen. Zach Taylor (R-Seminole) amends 21 O.S. Section 1835 regarding trespass by exempting peace officers, government employees engaged in the performance of their duties and firefighters, emergency medical personnel or public utility employees.

**State Architectural and Registered Interior Designers Act:** [HB 1147](#) by Rep. Mike Osburn (R-Edmond) and Sen. Adam Pugh (R-Edmond) amends the State Architectural and Registered Interior Designers Act by re-creating the Board of Governors, establishing regulation for "registered commercial" interior design, including new definitions for "commercial interior design", "nonstructural commercial interior construction" and "fire and life safety systems". New law regulates registered commercial interior designers including technical submissions, excluding Fire and Life Safety Systems, for nonstructural interior construction for the Code Use Groups as defined and listed in 59 O.S. Section 46.21b.

**Agritourism/Preemption:** [HB 1620](#) by Rep. Garry Mize (R-Edmond) and Sen. John Montgomery (R-Lawton) prohibits any county, municipality, state agency or political subdivision from enacting or enforcing any ordinance, regulation or rule that bans the rights of Oklahomans to engage in agritourism activities. Agritourism activities shall only be engaged in a lawful manner, pursuant to the Oklahoma Horse Racing Act and in compliance with the health and safety regulations, by the state and local governments.

**Law Enforcement/Honking:** [HB 1770](#) by Rep. Mike Dobrinski (R-Okeene) and Sen. Darrell Weaver (R-Moore) is new law which provides exceptions for bicyclists at traffic-control devices. This includes a new definition of "immediate hazard", applicable hand signals for bicyclists, new crimes for throwing objects at any person riding a bicycle, equine or animal-drawn vehicle and a prohibition of motorists use of his/her horn.

**Sales Tax Exemption/Nonprofits:** [HB 1935](#) by Rep. Ryan Martinez (R-Edmond) and Sen. John Montgomery (R-Lawton) adds a sales tax exemption for sales of supplies and materials to tax exempt Section 501(c)(3) organizations whose primary purpose is to construct or remodel and sell affordable housing and provide homeownership education to residents as defined in the bill. In addition, a new sales tax exemption is added for sales to a nonprofit entity, with the principal function to help natural persons following a disaster, with emphasis on repair or restoration to single-family residential dwellings or the construction of replacement single-family residential dwellings.

**Underground Facilities Act:** [HB 2028](#) by Rep. Terry O'Donnell (R-Catoosa) and Sen. Mark Allen (R-Spiro) amends 63 O.S. Sections 142.6, 142.9 and 142.10 regulating an excavator with knowledge that an operator has unmarked "hydrocarbon and hazardous liquids" underground facilities within the area of proposed excavation. Amendments include revised procedures, a definition of "actual knowledge", notifying the notification center, expiration dates for notice, provisions for any state of emergency declared by the Governor or Legislature.

**Law Enforcement/Vehicle Registration:** [HB 2202](#) by Rep. Max Wolfley (R-OKC) and Sen. Nathan Dahm (R-Broken Arrow) amends the Oklahoma Vehicle License and Registration Act impacting operating a vehicle without proper license plate or decal on which all taxes due have not been paid. No citation may be issued by any law enforcement officer during the thirty-day period immediately succeeding the last day of the month during which a vehicle registration should have been renewed and a current license plate decal obtained and displayed on the license plate of the vehicle.

**Law Enforcement/Personal 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". Current law

states in the possession of the "chief of police". Also, authorization of current law's "charter" is removed, and "ordinances" of the municipality are substituted. 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.

**Workers Compensation/Felony:** [HB 2236](#) by Rep. Stan May (R-Broken Arrow) and Sen. Darrell Weaver (R-Moore) creates a felony for a person receiving temporary total disability benefits who fails to report "any earned" income to an employer, insurance carrier, or third-party administrator.

**OWRB/Permits:** [SB 1022](#) by Sen. Kim David (R-Porter) and Rep. Brad Boles (R-Marlow) authorizes the Executive Director of the Oklahoma Water Resources Board to issue temporary permits and regular permits excluding all permits for sensitive sole source aquifers that have not been the subject of a protest from an interested party.

#### **BILLS REJECTED AND SENT TO CONFERENCE**

**Broadband/Pole Attachments/REC:** [HB 1122](#) by Rep. Logan Phillips (R-Mounds) and Sen. James Leewright (R-Bristow) is new law providing that when a rural electric cooperative and a communications services provider cannot agree to a voluntary negotiated pole attachment rate, the maximum pole attachment rate is set by a detailed formula. There are exceptions and a formula for future attachment rates with the Corporation Commission granted exclusive jurisdiction regarding disputes.

**Sales Tax Exemption/Broadband Equipment:** [HB 2040](#) by Speaker Charles McCall (R-Atoka) and Sen. James Leewright (R-Bristow) amends 68 O.S. Section 1357 creating a new sales tax exemption for the sale, lease, rental, storage, use or other consumption of qualifying broadband equipment by providers of Internet service or subsidiaries if the property is

directly used or consumed by the provider or subsidiary in or during the distribution of broadband Internet service. This exemption shall be administered as a rebate. The bill contains details on the rebate including when it is triggered, the claim process, which purchases qualify, limitations and the like.

**Interlocal Entity/Insurance:** [HB 2120](#) by Rep. Marcuse McEntire (R-Duncan) and Sen. John Montgomery (R-Lawton) amends 36 O.S. Section 607.1 impacting an Interlocal Entity that insures an Oklahoma educational institution. Changes are made to current law and new law regulates any insurer that the Insurance Commissioner has “substantial evidence” to believe is insolvent or the condition of the insurer renders the continuance of its business hazardous to the public or to holders of its policies or certificates of insurance or if an insurer has exceeded its powers or fails to comply with laws of this state.

**Open Meetings/Teleconference:** [HB 2644](#) by Rep. Jon Echols (R-OKC) and Sen. (R-) authorizes public bodies to hold meetings via videoconference and teleconference effective until March 31, 2024. Current law is effective until November 15, 2020.