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BUDGET HAS BEEN REACHED

The House and Senate Republicans have reached a budget agreement. With just two weeks left, they will begin rolling out the proposals in Joint Committee on Appropriations and Budget (JCAB) meetings. The details of the budget have not been announced.

On Wednesday, the House Democrats announced their budget proposal. Their Oklahoma Focused Budget ends fines and fees for Oklahoma’s court systems, removes the state sales tax on groceries, increases education funding, and restores the Earned Income Tax Credit.

GOVERNOR SIGNS ANOTHER OML PRIORITY

On Monday, Governor Stitt signed [SB 862](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Carol Bush (R-Tulsa) amends 21 O.S. Section 1247 expanding smoke free locations for counties and municipalities by including trusts with the counties and municipalities as the beneficiary. A “smoke free location” is a location where the use of tobacco, nicotine, marijuana, or other lawful products consumed in a smoked or vaporized manner are prohibited. Additional changes include 63 O.S.

Section 425 being amended by substituting “medical marijuana license holder” with “licensed medical marijuana patient” and by substituting “retail marijuana establishment” with “medical marijuana dispensaries”. The bill goes into effect on November 1, 2021.

GOVERNOR VETOES TIF REPORTING BILL

On Friday, Governor Stitt vetoed [SB 500](#) by Sen. Mary Boren (D-Norman) and Rep. Dick Lowe (R-Amber) that required the Oklahoma Tax Commission to create and publish a report 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 of the amount of funds benefiting public schools that were decreased as a result of the apportionments.

Governor Stitt’s reason for [vetoing](#) the bill states ... that it adds additional red tape. I have heard from multiple municipalities that this would be burdensome. My Administration is committed to decreasing bureaucracy, not adding to it. This Bill represents an unnecessary level of state government intrusion into a matter of local government.

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

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BILLS SIGNED BY GOVERNOR STITT

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.

The bill goes into effect on November 1, 2021.

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.

The bill goes into effect on November 1, 2021.

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.

The bill goes into effect on July 1, 2021.

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.

The bill goes into effect on November 1, 2021.

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.

The bill goes into effect on November 1, 2021.

Schools/Emergency Medical Services: [HB 1801](#) by Rep. Sherrie Conley (R-Newcastle) and Sen. Brenda Stanley (R-Midwest City) requires school boards, beginning 2021-2022, to coordinate with local emergency medical services (EMS) providers to develop an Emergency Action Plan for each school facility and athletic practices. The Emergency Action Plan shall include maps and directions with appropriate contact information for EMS, assign a medical administrator who is a current school employee, define responsibilities, include a list of medical equipment available, be posted in each facility, and be distributed to all school officials involved in athletic activities. The Emergency Action Plan must be rehearsed annually with school officials and EMS. It is required to be updated to reflect any potential significant change that would affect the implementation of the plan. Prior to each athletic event or activity, the plan must be digitally transmitted to the visiting school administrator or coach or posted on the school’s website.

The bill goes into effect on November 1, 2021.

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.

The bill goes into effect on November 1, 2021.

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.

The bill goes into effect on November 1, 2021.

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.

The bill goes into effect on November 1, 2021.

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.

The bill goes into effect on November 1, 2021.

Firearms/Events: [HB 2645](#) by Rep. Jon Echols (R-OKC) and Sen. Micheal Bergstrom (R-Adair) amends 21 O.S. Section 1277 impacting unlawful carry of a "firearm" in property set aside by political subdivisions and public trusts for an event that is secured with minimum-security provisions including specific security fences, controlled access points and metal detectors. Provision is also made for public property set aside temporarily for an event without minimum-security provisions, provided, the carry of firearms with said permitted event area shall be limited to concealed carry of a handgun unless otherwise authorized by the holder of the event permit.

The bill went into effect on May 13, 2021.

Hospitals/No Patient Left Alone Act: [HB 2687](#) by Rep. Toni Hasenbeck (R-Elgin) and Sen. Micheal Bergstrom (R-Adair) is new law creating the No Patient Left Alone Act impacting minors, adult patients, hospital visitation policies including requiring visitors to wear personal protective equipment, hospital website requirements, duties for the State Department of Health and the like.

The bill goes into effect on November 1, 2021.

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.

The bill goes into effect on November 1, 2021.

BILLS MOVING IN CONFERENCE

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.

The bill has been presented in the House Conference Committee on Rules.

Sales Tax Exemption Report/University Hospitals Authority: [HB 2874](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah) requires the University Hospitals Authority to report the total value of the sales tax exemption from prior fiscal year to the Governor, Speaker, Pro Tempore, Chair of the House Appropriations and Budget Committee, the Chair of the Senate Appropriations Committee as part of its annual budget and performance review materials submitted for the fiscal year beginning July 1, 2024 and for fiscal years thereafter. The report shall also include the number of filled resident positions and the number of nursing graduates of the University of Oklahoma Health Sciences Center. The bill has additional reporting requirements.

The bill has been presented in the House GCCA Committee.

CARES Act: [SB 858](#) by Sen. Tom Dugger (R-Stillwater) and Rep. John Talley (R-Stillwater) authorizes counties to expend federal funds made available to the counties via the CARES Act, or similar relief funds, “regardless of any lack of specific state statutory authorization to perform the duties or functions for which the federal government has provided funds.

The bill has been presented in the House Conference Committee on County & Municipal Government Committee.

BILLS REJECTED AND SENT TO CONFERENCE

Law Enforcement/Sexual Assault Victims: [HB 2546](#) by Rep. Cyndi Munson (D-OKC) and Sen. Kay Floyd (D-OKC) new law creating the Sexual Assault Victims’ Right to Information Act impacting advocates, duties for medical facilities and law enforcement officers, information rights for victims including evidence and police reports and the like.

House conferees is the Conference Committee on Judiciary – Criminal. Senate conferees are Senators: Floyd, Paxton, Coleman, Rader, Matthews, and Brooks.

Firearms/Municipal Employee Carry: [SB 644](#) by Sen. Blake Stephens (R-Tahlequah) and Rep. Sean Roberts (R-Hominy) 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.

Conferees have yet to be named.