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March 18, 2022

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DEADLINE WEEK IS APPROACHING - PLEASE STAY ALERT

It was a short week at the Capitol this week. Legislators worked two days before adjourning for Spring Break. They pushed the next deadline of hearing bills on the floor in the House and Senate to Thursday, March 24th. There are several bills OML is currently tracking that may need your action. Please be on the lookout for any Action Alerts that may come your way.

Some of the bills we are currently watching and working on with the legislators are as follows:

Food Truck Regulations: [HB 2010](#) by Rep. Tammy Townley (R-Ardmore) and Sen. John Montgomery (R-Lawton) creates definitions for "mobile food establishment", "mobile push cart", "mobile retail food establishment", "mobile food vendor", "mobile food vending", "food vending vehicle", "local authority", "public property", "temporary mass gathering", and "nonobstructive spot inspection". OML has offered amendments to make sure the cities still have the ability to regulate the activity of these trucks inside their city limits.

Water Sales/Enterprise Funds: [HB 3463](#) by Rep. Jim Grego (R-Wilburton) and Sen. Lonnie Paxton (R-Tuttle) requires municipalities selling water to persons or public or private entities outside their corporate limits to implement an enterprise fund accounting system. The measure defines enterprise fund accounting as a separate accounting fund for each activity undertaken by a municipality showing both income and expenses. Rep. Grego has promised to work with OML on language that will be agreed upon by both parties.

Grocery Sales Tax Exemptions: [HB 3349](#) by Speaker Charles McCall (R-Atoka) and Sen. Pro Tempore Greg Treat (R-OKC) creates a two-year sales tax exemption on the sale of groceries, effective July 1, 2022, through June 30, 2024. The levy of zero percent (0%) does not supersede or otherwise affect any local sales taxes levied on sales of food and food ingredients by cities, counties, or other local taxing jurisdictions. The Oklahoma Tax Commission must promulgate rules necessary to implement the provisions of this bill with the Streamlined Sales and Use Tax Agreement. [SB 1495](#) by Sen. Pro Tempore Greg Treat (R-OKC) and Speaker Charles McCall (R-Atoka) also reduces the state sales tax on groceries and does not impact the local taxes of cities, counties, or other local taxing jurisdictions.

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

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BILLS ON THE MOVE

Here is a snapshot of bills impacting cities and towns.

Police Pension/Disability Benefits: [HB 2745](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Adam Pugh (R-Edmond) requires the Police Pension and Retirement System when computing the disability benefit, to use the compensation paid to the highest paid nonsupervisory patrol officer in the employment of the municipality which employs the member who becomes disabled according to the standards prescribed by this paragraph or a one hundred percent (100%) disability based on the member's final average salary whichever computation results in the highest benefit.

The bill passed the House with the title stricken by a [vote](#) of 86 to 0. The bill moves to the Senate.

Elections/Voter Registration Database: [HB 2976](#) by Rep. Jim Olsen (R-Roland) and Sen. Micheal Bergstrom (R-Adair) requires information contained in the voter registration database to only be shared with a court system if that court system agrees to regularly provide the names of persons convicted of a felony in that court system to the Secretary of the State Election Board and the appropriate secretary of a county election board.

The bill passed the House by a [vote](#) of 69 to 17. The bill moves to the Senate.

Battery-Charged Security Fence/Preemption: [HB 3055](#) by Rep. Lonnie Sims (R-Jenks) and Sen. James Leewright (R-Bristow) defines "battery-charged security fence" as an alarm system and ancillary components or equipment attached to such a system including, but not limited to, a fence, a battery-operated energizer, which is intended to periodically deliver voltage impulses to the fence connected to it, and a battery-charging device used exclusively to charge the battery. No municipality or county may adopt any ordinance, order, or regulation concerning the installation, operation, or usage of a battery-charged security fence if the installation, operation, and usage of the battery-charged security fence follows the requirements and standards of prescribed in this act. The bill details the requirements that a battery-charged security fence is required to meet.

The bill passed the House by a [vote](#) of 83 to 0. The bill moves to the Senate.

Public Notice/Municipalities: [HB 3062](#) by Rep. Trish Ranson (D-Stillwater) and Sen. Mary Boren (D-Norman) authorizes a city or town to publish the same information as required to be contained in the newspaper publication on a website maintained by or on behalf of the city or

town for a period of time equal to the periods of time during which the information is required to be contained in a newspaper beginning with the first publication date and ending with the last publication date. A city or town may allow the information available on the website for a longer period and must maintain the records of information on the website for a period of one (1) year from the latest date of being displayed on the website. No power interruption or hardware or software failure related to the website shall be a basis to invalidate the action or proceeding the notice of the required publication on the website. If the publication involves a daily newspaper and the newspaper is published fewer than five (5) days, the newspaper may satisfy the requirement of publication of hard copy publication and display on a website maintained by or on behalf of the newspaper.

The bill passed the House with an [amendment](#) changing "shall" to "may". The bill passed by a [vote](#) of 85 to 0. The bill moves to the Senate.

Emergency Medical Response: [HB 3132](#) by Rep. Gerrid Kendrix (R-Altus) and Sen. Darrell Weaver (R-Moore) allows the governing body of any municipality, public ambulance service district, or emergency medical service district to elect to enter agreements with local first responder agencies, whether governmental or nonprofit, for the purpose of acquiring assistance with emergency medical response.

The bill passed the House by a [vote](#) of 85 to 0. The bill moves to the Senate.

Drones/Violations: [HB 3171](#) by Rep. Logan Phillips (R-Mounds) and Sen. Micheal Bergstrom (R-Adair) prohibits the use of drones to trespass on property with intent to eavesdrop or other surveillance in a private place, install in any private place without the consent of the person; intentionally use a drone to photograph, record, or observe another person in a private place; or land a drone on the lands or water of another resident provided the resident owns the land beneath the water body in its entirety without the owner's consent. Anyone who violates this act is guilty of a misdemeanor. The bill does not apply to law enforcement officers while in the performance of the officers' lawful duties.

The bill passed the House by a [vote](#) of 85 to 0. The bill moves to the Senate.

9-1-1 Management Authority: [HB 3278](#) by Rep. Justin Humphrey (R-Lane) and Sen. Darrell Weaver (R-Moore) transfers the administration of the Oklahoma Emergency Telephone Act from the Oklahoma Department of Public

Safety to the Oklahoma 9-1-1 Management Authority. The bill defines “public safety telecommunicator” as a person who performs a public service by processing, analyzing, and dispatching calls for emergency assistance. The person is a first responder that provides pre-arrival instructions and has specialized training to mitigate the loss of life and property. The bill also repeals Title 63 Section 2818.4 which is an old statute relating to the Statewide Emergency 911 Advisory Committee.

The bill passed the House by a [vote](#) of 87 to 0. The bill moves to the Senate.

Oklahoma Distributed Ledger Technology Assets Offering Act: [HB 3279](#) Rep. Justin Humphrey (R-Lane) and Sen. Shane Jett (R-Shawnee) creates the Oklahoma Distributed Ledger Technology Assets Offering Act. The bill requires Oklahoma to develop and employ an integrated logistics, information, and payment tracking ecosystem which uses hack-resistant, distributed ledger technologies in support of state agencies and other governmental units and establishes rules and regulations.

The bill passed the House with the title stricken by a [vote](#) of 75 to 11. The bill moves to the Senate.

Public Trusts/Bidding: [HB 3692](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Jessica Garvin (R-Duncan) removes restrictions on a public trust's activities outside of the geographic boundaries of its beneficiary. It allows public trusts to have a local bid preference for a construction contract of no more than five percent (5%) but requires the local bidder or contractor to agree to perform the contract for the same price and terms as the bid proposed by the nonlocal bidder or contractor and was at least the second lowest bidder. Should a trustee or trustees find an immediate emergency exists, the emergency threshold is provided in the Public Competitive Bidding Act of 1974. The bill requires public trusts to make certain guarantees about the cost of equipment before purchasing heavy equipment. The bill allows trustees who are not elected officials to receive some compensation for their work.

The bill passed the House with the title stricken by a [vote](#) of 70 to 18. The bill moves to the Senate.

Public Retirement Systems/Military Service Credits: [HB 3709](#) by Rep. Carol Bush (R-Tulsa) and Sen. Dave Rader (R-Tulsa) authorizes prior service credit to members of the Oklahoma Police Pension and Retirement System who served in any branch of the Armed Forces, who was honorably discharged, and began participation in the System after November 1, 2022. The bill also impacts the Retirement System for Justices and Judges,

Law Enforcement Retirement System, and Oklahoma Public Employees Retirement System.

The bill passed the House by a [vote](#) of 77 to 0. The bill moves to the Senate.

Oklahoma Red and Blue Heart Awards: [HB 3970](#) by Rep. Ty Burns (R-Morrison) and Sen. Frank Simpson (R-Ardmore) modifies the Oklahoma State Award Program by authorizing the Oklahoma Red Heart and Oklahoma Blue Heart award for serious line of duty injuries. The Oklahoma Red Heart Award is limited to municipal firefighters employed by cities and towns. The Oklahoma Blue Heart is limited to law enforcement and public safety members employed by municipal, county, state and employees of federal agencies working in Oklahoma.

The bill passed the House by a [vote](#) of 84 to 2. The bill moves to the Senate.

OMPA/Competitive Bidding Act: [HB 4075](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Chuck Hall (R-Perry) modifies the definition of "state agency" as used in the Public Facilities Act to include the Oklahoma Municipal Power Authority. It also exempts the Oklahoma Municipal Power Authority from the requirements of the Public Competitive Bidding Act of 1974 on contracts awarded or solicited by OMPA.

The bill passed the House by a [vote](#) of 84 to 4. The bill moves to the Senate.

Law Enforcement/Mental Health Transport: [HB 4082](#) by Rep. Kevin Wallace (R-Wellston) and Sen. David Bullard (R-Durant) directs the law enforcement agency that made the initial contact within its jurisdiction to be responsible for transporting the individual inside the thirty (30) mile radius. The transportation requirements provided for in this subsection shall be considered completed once a connection has been made with staff of the health care facility and it is apparent the patient is not a harm to themselves or others.

The bill passed the House by a [vote](#) of 86 to 0. The bill moves to the Senate.

Public Buildings/Bonds: [HB 4099](#) by Rep. Avery Frix (R-Muskogee) and Sen. Darcy Jech (R-Kingfisher) allows the Oklahoma Capitol Improvement Authority to issue obligations to acquire real property, together with improvements for purposes of construction, repair and rehabilitation and improvements to real and personal property, of existing Oklahoma Historical Society facilities in a total amount necessary to generate net proceeds of Forty-six Million Dollars (\$46,000,000.00) after providing for cost of issuance, credit enhancement,

reserves, and other associated expenses related to the financing, as long as no proceeds will be expended on the Oklahoma Museum of Pop Culture. The bill directs the Authority to use interest earnings on funds or accounts created for the purposes of this section to be utilized as partial payment of the annual debt service or for the purposes decided by the Authority. The obligations issued under this section, shall not be subject to taxation of any kind by the State of Oklahoma, or by any county, municipality, or political subdivision therein.

The bill passed the House with the title stricken by a [vote](#) of 87 to 4. The bill moves to the Senate.

Law Enforcement/Penalties for Third-Degree Burglary: [HB 4373](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Darrell Weaver (R-Moore) modifies the penalty of third-degree burglary and defines applicable terms. It also modifies the definition of "property attached thereto" includes, but not limited to, tires, wheels, and catalytic converters.

The bill passed the House by a [vote](#) of 77 to 10. The bill moves to the Senate.

Law Enforcement/Catalytic Converter: [HB 4375](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Darrell Weaver (R-Moore) makes any person who has previously been convicted of larceny of a catalytic converter and who has in his or her possession, custody, or concealed about his or her person, or transports or causes to be transported, any combination of two or more of the following tools: 1. Battery-powered reciprocating saw; 2. Reciprocating saw blades; 3. Pliers; 4. Wrenches; or 5. Vehicle jack, with the intent to use or employ, or allow the same to be used or employed, in the commission of a crime, or knowing that the tools are to be used in the commission of a crime shall, upon conviction, be guilty of a felony.

The bill passed the House by a [vote](#) of 72 to 15. The bill moves to the Senate.

Law Enforcement/Smash and Grab Burglaries: [HB 4376](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Darrell Weaver (R-Moore) makes it unlawful for a person to commit the offense of smash-and-grab burglary when they, while acting individually or in concert with others, intentionally enters a mercantile establishment with the intent to commit a theft which results in discernible damage to the mercantile establishment in excess of Five Hundred Dollars (\$500.00). The bill establishes punishments and penalties for such violations.

The bill passed the House by a [vote](#) of 75 to 16. The bill moves to the Senate.

Sales Tax Exemption/Blue Star Mothers: [SB 1104](#) by Sen. Joe Newhouse (R-Broken Arrow) and Rep. Jay Steagall (R-Yukon) deletes language specifying that the sales tax exemption relating to sales of tangible property to service organizations of mothers who have children who are serving or who have served in the military shall not apply to any sales tax levied by a city, town, or county. Additionally, the bill deletes the language specifying that the exemption shall be provided in the form of a refund and removes the requirement that purchasers provide proof that the items were sent to military personnel overseas in a combat zone.

The bill passed the Senate with the title restored by a [vote](#) of 38 to 0. The bill moves to the House.

Sales Tax/Marketplace Facilitators: [SB 1339](#) by Sen. Bill Coleman (R-Ponca City) and Rep. Judd Strom (R-Copan) requires the collection obligation of a marketplace facilitator or referrer that elects to collect and remit tax imposed under Section 1354 or 1402 of Title 68 to also apply to any other taxes administered by the Oklahoma Tax Commission (OTC) administer are levied by local jurisdictions on a retail sale of a product.

The bill passed the Senate with the title restored by a [vote](#) of 45 to 1. The bill moves to the House.

Emergency Medical Services: [SB 1441](#) by Sen. Paul Rosino (R-OKC) and Rep. Cynthia Roe (R-Lindsay) authorizes emergency medical services (EMS) regions, ambulance service districts or municipalities to regulate and control ambulance service transports originating within the jurisdiction of such EMS regions, ambulance service districts or municipalities. The bill exempts any ambulance service under contract with a hospital from regulation by emergency medical service regions and ambulance service districts.

The bill passed the Senate by a [vote](#) of 43 to 2. The bill moves to the House.

Court Fines and Fees: [SB 1458](#) by Sen. Roger Thompson (R-Okemah) and Speaker Pro Tempore Kyle Hilbert (R-Depew) provides that any funds remaining in the A.F.I.S. Fund, Forensic Science Improvement Revolving Fund, Medical Expense Liability Revolving Fund, Drug Abuse Education and Treatment Revolving Fund, and School Investigative Audit Revolving Fund shall be deposited into the General Revenue Fund. The bill eliminates several fines and fees charged to offenders when convicted of certain crimes. Funds eliminated by the measure are currently funded using the eliminated fines and fees.

The bill passed the Senate by a [vote](#) of 46 to 0. The bill moves to the House.

Public Bidding/State Service Contracts: [SB 1463](#) by Sen. Frank Simpson (R-Ardmore) and Rep. Ryan Martinez (R-Edmond) requires a state agency that accepts a services type of contract, whether bid or no-bid, to list the city, state, and country in which the services will be prepared and produced. Any work the state awards that is not strictly awarded by the lowest price and that is awarded to a company not preparing and producing the services in Oklahoma, shall require the awarding agency's director to provide reasons why the services are not prepared and produced in Oklahoma.

The bill passed the Senate by a [vote](#) of 44 to 0. The bill moves to the House.

Public Buildings/Retainage: [SB 1520](#) by Sen. Casey Murdock (R-Felt) and Rep. Kevin West (R-Moore) specifies that retainage amounts for contractors and subcontractors is two and one-half percent (2.5%) of the original contract or subcontract amount.

The bill passed the Senate by a [vote](#) of 45 to 0. The bill moves to the House.

Fire Protection Districts: [SB 1527](#) by Sen. James Leewright (R-Bristow) and Rep. Ty Burns (R-Pawnee) authorizes volunteer firefighter departments to offer all other emergency services to its members and nonmembers.

The bill passed the Senate by a [vote](#) of 46 to 0. The bill moves to the House.

Water/Heritage River Designation: [SB 1585](#) by Sen. David Bullard (R-Durant) and Rep. Eddy Dempsey (R-Valliant) creates the Charlette Hearne Heritage River Act. bill defines "heritage river" to mean any river or stream that has maintained a free-flowing and undammed status for all of Oklahoma's statehood. This bill designates the Glover River in McCurtain County as a heritage river. Oklahoma Water Resources Board is given authority to promulgate rules and regulations relating to the designation of such rivers. Nothing in this act shall be construed to unduly restrict and adversely affect the use of property within any heritage river basin for farming, ranching, forestry, silviculture, and other agricultural uses if such uses are not inconsistent with the purposes of this act. This bill does not affect the existing rights between a landowner and a utility or a pipeline company. Private property rights of private landowners are

protected and deem trespassing as an offense. Public recreational uses of a heritage river are not restricted.

The bill passed the Senate by a [vote](#) of 44 to 0. The bill moves to the House.

Sales Tax Exemptions/Surviving Spouse: [SB 1670](#) by Sen. Chris Kidd (R-Waurika) and Rep. Toni Hasenbeck (R-Elgin) expands exemption for people qualifying to receive sales tax exemption to include the surviving spouse of a person who is determined by the United States Department of Defense or any branch of the United States military to have died while in the line of duty if the spouse has not remarried.

The bill passed the Senate with the title restored by a [vote](#) of 46 to 0. The bill moves to the House.

Massage Therapy Establishment/Preemption: [SB 1741](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Denise Crosswhite-Hader (R-Piedmont) defines "massage therapy establishment" to mean a fixed business location, address, building, or property, other than a licensed cosmetology or barbering establishment, where a person engages in, conducts, carries on, or permits to be engaged in the practice of massage therapy as it relates to the Massage Therapy Practice Act. The bill creates fines for operating without a license. The Massage Therapy Practice Act preempts all ordinances or regulations regulating massage therapists and massage therapy establishments in any city, county, or political subdivision. This does not affect the regulations of a city, county or a political subdivision relating to zoning requirements or occupational license fees pertaining to health care professions. The bill gives the authority to the Board of Cosmetology and Barbering.

The bill passed the Senate by a [vote](#) of 38 to 6. The bill moves to the House.

Security Guards/Rifles: [SB 1839](#) by Sen. James Leewright (R-Bristow) and Speaker Pro Tempore Kyle Hilbert (R-Depew) authorizes an armed security guard to carry a rifle during the performance of his or her duties.

The bill passed the Senate by a [vote](#) of 37 to 8. The bill moves to the House.