

07-22

March 25, 2022

In This Issue:

Spring Has Sprung and Deadlines Done	1
Grocery Tax Measures Move Across the Aisle	2
Bills on the Move	3



SPRING HAS SPRUNG AND DEADLINES DONE

The first week of Spring marked the second deadline for having bills heard in the House of Origin. Bills that were not heard are considered dead for the Session; however, we must remain vigilant to make sure the language doesn't pop up in other bills. We are pleased that OML's priority bills are moving along in the process. Those are as follows:

Firearms/Barrel Position: [SB 1366](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Tammy West (R-Bethany) requires a firearm that is not held in the hand but rather is carried on a shouldered sling with the firearm located in a general vertical position where the barrel of the firearm is safely pointed in an up or down direction or in a case designed for carrying a firearm. The provisions of this law shall not apply while lawfully at a gun range, while lawfully hunting, during an act of self-defense, or otherwise during lawful use of the firearm. The bill defines handguns, rifles and shotguns and collectively refers to all of them, including pistols, as "firearms".

The bill passed the Senate by a [vote](#) of 43 to 1. It now moves to the House.

Open Meeting Act/Teleconferencing and Videoconferencing: [HB 3415](#) by Rep. Daniel Pae (R-Lawton) and Sen. Brent Howard (R-Altus) defines "public health emergency" to mean a situation where the circumstances lead state or local elected officials, as applicable in this act, to determine a risk of substantial death or harm to the population of the state or a particular applicable political subdivision." The definition of "videoconference" is modified to include the capability for public comment. Members participating remotely may do so from any fixed location, and the meeting shall be open to the public in person in a public place unless emergency provisions are triggered as outlined in the Oklahoma Open Meeting Act. Except for those communications made pursuant to a lawfully convened executive session, no private electronic communications concerning public business may occur during a public meeting by members of the governing body. Each public meeting is required to have minutes prepared in compliance with state and local law. Meetings are to be public and must indicate if the meeting includes electronic or in-person participation, including the electronic source that may be utilized to access the meeting. The requirement of an in-person meeting location for the purposes of conducting a public meeting as outlined in this section shall be suspended statewide during a state of

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

emergency declared by the Governor to respond to the threat of the public's peace, health, and safety, or during a locally declared state of emergency declared by a mayor, school board president, or chairman of a board of county commissioners whereby such locally declared state of emergency shall not continue for more than thirty (30) days without ratification of the respective public body. Public bodies are permitted to conduct an executive session by teleconference or videoconference to the extent a quorum is present in compliance with the provisions of this act.

The bill passed the House by a [vote](#) of 70 to 21. The bill now moves to the Senate.

Medical Marijuana/Penalties for Diversion: [SB 1367](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. David Hardin (R-Stilwell) creates a penalty for diversion of medical marijuana. In addition to any other penalties prescribed by law, a first offense for intentional and impermissible diversion of medical marijuana, concentrate or products by a patient to an unauthorized person is subject to an administrative fine not less than Four Hundred Dollars (\$400.00), or a higher amount as determined by the administrative rules of the Oklahoma Medical Marijuana Authority (OMMA) designed to deter unlawful diversion. A second offense the individual is subject to an administrative fine not less than One Thousand Dollars (\$1,000.00), or a higher amount and shall result in the revocation of the license or licenses the person or any other person or entity for whom the diverting persons serves as an agent. Additionally, the revoked person or entity, and any owner or other person or entity with an interest of any kind affiliated with an entity whose agent made an impermissible diversion, must have any license issued by OMMA revoked and prohibited from obtaining a new license. OMMA has the authority to enforce the provisions of this law.

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

Medical Marijuana/Penalties: [SB 1704](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Dick Lowe (R-Amber) increases the penalties for sales, purchases or transfers of medical marijuana by a medical marijuana business or employees or agents of the medical marijuana business to persons other than those allowed by law occurring within a one-year time period to include an initial fine of Five Thousand Dollars (\$5,000.00) for a first violation and a fine of Fifteen Thousand Dollars (\$15,000.00) for any subsequent violation.

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

GROCERY TAX MEASURES MOVE ACROSS THE AISLE

The House and Senate voted to move the grocery sales tax exemption bills across the aisle. Speaker Charles McCall (R-Atoka) and Sen. Pro Tempore Greg Treat (R-OKC) are authoring both pieces of legislation. To ensure that the bills impacted the state portion only and protect local sales tax, both were amended to make sure that the state sales tax exemption would not impact any municipal ordinance or county resolution authorizing a local sales tax. Only one difference between the bills is the House version has a two-year sunset. Both descriptions can be read below:

[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%) shall 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. Any municipal ordinance imposing a sales tax pursuant to the authority of Section 2701 et seq. of this title or any county resolution or similar measure imposing a sales tax pursuant to the authority of Section 1370 of this title or any municipal ordinance or county resolution or similar measure adopted pursuant to any other provision of law authorizing a local sales tax which is in effect on the effective date of this act shall continue to be applicable to the sale of food and food ingredients notwithstanding the zero rate of sales tax for state purposes upon such items as provided by this subsection. The Oklahoma Tax Commission shall promulgate any necessary rules to implement the provisions of this subsection in accordance with the Streamlined Sales and Use Tax Agreement.

The bill passed the House with the title stricken by a [vote](#) of 97 to 0. The bill moves to the Senate.

[SB 1495](#) by Sen. Pro Tempore Greg Treat (R-OKC) and Speaker Charles McCall (R-Atoka) creates a sales tax exemption for the sale of groceries. The measure provides that the exemption shall not apply to the sale of alcohol, tobacco, or some prepared food. Certain prepared foods as outlined in the measure are eligible for the exemption. The bill provides for a tax of zero percent (0%) to be levied upon sales of food and food ingredients. The state sales tax rate of zero percent (0%) levied upon sales of food and food ingredients shall not apply to any sales tax levied by a city or town, county, or any other jurisdiction in the state.

Pro Tempore Treat [amended](#) the bill on the floor that read, "Provided, any sales tax levied by a city, town,

county or any other jurisdiction in this state pursuant to the provisions of this section, upon sales of food and food ingredients shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on the item.”

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

BILLS ON THE MOVE

Here is a snapshot of bills impacting cities and towns.

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". A mobile food vendor that seeks to operate in a county with a population of more than four hundred thousand (400,000) that is governed by a city-county health department shall obtain a food establishment license from the local authority which has the population over four hundred thousand (400,000). A food establishment license shall permit the mobile food vendor to operate in any local authority's jurisdiction upon the local authority's recognition of the license, the issuance of any relevant local license not in conflict with this act, and the vendor's compliance with all other municipal provisions not in conflict with this act.

A local authority may not prohibit a vendor from lawfully operating in its jurisdiction if they hold a food establishment license and is compliance with all state and local laws necessary to comply with state regulations. This act does not require a local authority to adopt a program regulating mobile food vendors or to modify its existing program regulating mobile food vendors; provided the regulations do not conflict with this act. The act shall not be construed to impede State Department of Health or local authority in any investigation of a reported food borne illness.

The bill passed the House by a [vote](#) of 52 to 31. The bill moves to the Senate.

Medical Marijuana/Grower Licenses: [HB 2179](#) by Rep. Scott Fetgatter (R-Okmulgee) and Sen. Lonnie Paxton (R-Tuttle) separates the medical marijuana grower license into categories for indoor grow facilities, greenhouse or light deprivation grow facilities, or outdoor grow facilities with eight (8) tiers in each category. The fee for the first tier of each category of grow facility is Two

Thousand Five Hundred Dollars (\$2,500.00) and increase based on square footage of each facility.

The bill passed the House by a [vote](#) of 76 to 15. The bill moves to the Senate.

Firefighter Pension and Retirement System: [HB 2487](#) by Rep. Avery Frix (R-Muskogee) and Sen. Zack Taylor (R-Seminole) provides that members of the Oklahoma Firefighters Pension and Retirement System (OFPRS) whose first date of employment was on or after November 1, 2013, are eligible for their normal retirement date after completing twenty (20) years of credited service. Any member of OFPRS who receives annual compensation for serving as an active volunteer firefighter is a paid firefighter, other than reimbursement of expenses more than five and a half (5.5) times the annual pension benefit paid to a retired volunteer firefighter with twenty (20) years of credited service.

The bill passed the House with the title stricken by a [vote](#) of 91 to 0. The bill moves to the Senate.

OPERS/Military and EMS Personnel: [HB 2758](#) by Rep. Ross Ford (R-Broken Arrow) requires military police officers and emergency medical services personnel receive the hazardous duty multiplier in the Oklahoma Public Employees Retirement System. Any person who contributes to the System as a military police officer or as an emergency medical service personnel, who retires under normal retirement of early retirement, shall have retirement benefits for each year of full-time-equivalent participating service as a military police officer or emergency medical service personnel computed on two and one-half percent (2.5%) of the final average compensation based upon those years as a military police officer or emergency service personnel, and any years in excess of twenty (20) years as a military police officer or emergency medical service personnel or years credited to the members shall be calculated for retirement purposes at two percent (2%) of the final average compensation of the member multiplied by the number of years of service. It requires a monthly pension to be paid on behalf of any military police officer or emergency medical service personnel hired on or after Nov. 1, 2022, who is killed or mortally wounded during the performance of their duties. It sets employee contributions to OPERS at eight percent (8%) of allowable compensation for military police officers and licensed emergency medical personnel employed for the first time on or after Nov. 1, 2022.

The bill passed the House by a [vote](#) of 89 to 0. The bill moves to the Senate.

Right to Garden/Preemption: [HB 2979](#) by Rep. Rick West (R-Heavner) and Sen. George Burns (R-Pollard) creates the Right to Garden Act of 2022 which prohibits a county, municipality or other political subdivision from regulating vegetable gardens on residential properties. Any such local ordinance or regulation regulating vegetable gardens on residential properties is void and unenforceable. This section of law does not preclude the adoption of a local ordinance or regulation of relating to water use during drought conditions, fertilizer use, or control of invasive species.

The bill passed the House by a [vote](#) of 51 to 43. The bill moves to the Senate.

Law Enforcement/Stolen Catalytic Converters: [HB 3005](#) by Rep. Lonnie Sims (R-Jenks) and Sen. Lonnie Paxton (R-Tuttle) makes it a felony for any person to receive, transport, or possess one or multiple stolen automotive catalytic converters or their components under such circumstances that the person knew or should have known that the same was stolen. It sets the punishment as imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years or confined in the county jail for a term of not less than ninety (90) days nor more than two hundred (200) days or fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by both fine and imprisonment. The bill exempts from its provision's automotive catalytic converters in use and attached to a vehicle. It defines the term "automotive catalytic converter" to mean the emission control device that is part of the exhaust system located on gas- or diesel-powered motor vehicles.

The bill passed the House by a [vote](#) of 71 to 17. The bill moves to the Senate.

Medical Marijuana Packaging: [HB 3019](#) by Rep. Scott Fetgatter (R-Okmulgee) and Sen. James Leewright (R-Bristow) allows medical marijuana packaging to be clear in order to allow licensed medical marijuana patients and licensed medical marijuana caregivers the ability to view the product inside the container, so long as the container is child-resistant. The measure also allows dispensaries to put medical marijuana products in an "exit package" which means an opaque bag provided at the point of sale. Labels on containers shall include a warning that states the following: "For use by licensed medical marijuana patients only", and "Keep out of reach of children".

The bill passed the House by a [vote](#) of 86 to 4. The bill moves to the Senate.

Firearms/Self-Defense: [HB 3074](#) by Rep. Bob Ed Culver (R-Tahlequah) and Sen. Micheal Bergstrom (R-Adair) adds an exception to discharging a firearm from a boat for purposes of self-defense. The violation for discharging is increased to One Hundred Dollars (\$100.00), or imprisonment in the county jail for not more than three (3) months, or both.

The bill passed the House with the title stricken by a [vote](#) of 76 to 12. The bill moves to the Senate.

Medical Marijuana/Sales Tax Apportionments: [HB 3083](#) by Speaker Pro Tempore Kyle Hilbert (R-Depew) and Sen. John Montgomery (R-Lawton) modifies the apportionment of the taxes on retail sales of medical marijuana sales. For the fiscal year beginning July 1, 2022, and each subsequent fiscal year as follows: Fifty-five percent (40.5%) of the total proceeds of the levy to operating the Oklahoma Medical Marijuana Authority, but in no event exceed Twenty-six Million Eight Hundred Thousand Dollars (\$26,800,000.00); Forty-four and six hundred twenty-five thousandths percent (44.625%) to the State Public Common School Building Equalization Fund but in no event exceed the amount of redbud school grant funds; and Fourteen and eight hundred seventy-five thousandths percent (14.875%) to the Department of Mental Health and Substance Abuse Services but in no event exceed Ten Million Dollars (\$10,000,000.00).

The bill passed the House by a [vote](#) of 93 to 0. The bill moves to the Senate.

Firearms/Contracts: [HB 3144](#) by Rep. Kevin West (R-Moore) and Sen. Casey Murdock (R-Felt) specifies the types of contracts that governmental entities may have with companies who provide ammunition, firearms, and firearm accessories if the contract is between a governmental entity and a company with at least ten (10) full-time employees and has a value of at least One Hundred Thousand Dollars (\$100,000.00). A governmental entity may not enter a contract with a company unless the contract contains a written verification that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association. It does not apply to a governmental entity that contracts with a sole-source provider or does not receive a bid from a company that is able to provide the written verification. OMES is giving the authority to provide oversight of and advice to governmental entities that may be subject to this act.

The bill passed the House with the title stricken by a [vote](#) of 72 to 17. The bill moves to the Senate.

Campaign Finance and Financial Disclosure/Reporting: [HB 3147](#) by Rep. Kevin West (R-Moore) and Sen. Rob Standridge (R-Norman) changes the definition of "municipal political committee" any committee composed of two or more person whose purpose includes the election or defeat of questions submitted to a vote during a municipal election. The bill requires the Ethics Commission to develop online reporting processes for the reporting of information required by the County Campaign Finance and Financial Disclosure Act, the Municipal Campaign Finance and Financial Disclosure Act, the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act, as funds are available, to develop and maintain online reporting. The bill also removes the requirements for notarization for statements of organization and financial interests.

The bill passed the House with the title stricken by a [vote](#) of 88 to 4. The bill moves to the Senate.

Military Surplus Vehicles: [HB 3179](#) by Rep. Logan Phillips (R-Mounds) and Sen. J.J. Dossett (R-Owasso) defines "military surplus vehicle" and allows it to be operated on the streets and highways of this state as a registered motor vehicle. These types of vehicles may be used as other vehicles, except they may not transport people for hire. The registration is valid for one (1) year and may be renewed by payment of such annual fee.

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

Court Costs and Fees: [HB 3196](#) by Rep. Danny Williams (R-Seminole) and Sen. Julie Daniels (R-Bartlesville) creates the Burt Holmes Fee Structure Policy Act of 2022. This bill modifies the structure of fees collected by the courts for various offenses.

The bill passed the House with the title stricken by a [vote](#) of 95 to 0. The bill moves to the Senate.

Medical Marijuana/Moratorium on Licenses: [HB 3208](#) by Rep. Rusty Cornwell (R-Vinita) and Sen. Lonnie Paxton (R-Tuttle) allows the Oklahoma Medical Marijuana Authority (OMMA) to declare and establish a moratorium on processing and issuing new medical marijuana business licenses for an amount of time OMMA deems necessary. This does not apply to the renewal of a medical marijuana business license for a dispensary, processor, or commercial grower. The bill was amended to allow the Executive Director of OMMA to terminate the moratorium at any time prior to August 1, 2024, if the Director determines that all pending

licensing reviews, inspections, or investigations have been completed by OMMA.

The bill passed the House by a [vote](#) of 71 to 19. The bill moves to the Senate.

Court Fines and Fees/Government Assistance: [HB 3270](#) by Rep. Garry Mize (R-Edmond) and Sen. Zack Taylor (R-Seminole) provides that a hearing shall not be required, and all fines, fees, costs, or assessments shall be waived by the court upon proof provided by the person of enrollment in a federal or state government assistance program. In calculating and determining the ability of a person to pay his or her fines, fees, costs, or assessments, any monies received from a federal or state government need-based assistance program shall not be counted as personal income to pay for the legal and financial obligations owed to the court. The court may reduce a person's fines, fees, costs, or assessments if it is determined by the court that the person does not have the ability to pay. However, if the court determines that a reduction in the fines, fees, costs, or assessments is warranted, the court shall equally apply the same percentage reduction to the fines, fees, costs, or assessments owed by the person.

The bill passed as [amended](#) the House by a [vote](#) of 83 to 2. The bill moves to the Senate.

Law Enforcement/Stalking and Protective Orders: [HB 3286](#) by Rep. Jacob Rosecrants (D-Norman) and Sen. Micheal Bergstrom (R-Adair) increases the penalties for stalking from a misdemeanor to a felony and increases punishment. The bill modifies the definition of "course of conduct" as used in determining the crime of stalking. Whenever a law enforcement agency receives a complaint of stalking and finds that stalking has occurred, the agency is required to provide a copy of a Stalking Warning Letter to the accused. The bill also adds "crime victim" to the list of persons that it is considered harassment to make their personally identifiable information public in a manner intended to threaten, intimidate, or harass. The adult victim of a crime is allowed to seek relief under the provisions of the Protection from Domestic Abuse Act. The bill requires every ex parte or final protective order to be entered into the National Crime Information Center database.

The bill passed the House with the title stricken by a [vote](#) of 77 to 9. The bill moves to the Senate.

No Patient Left Alone Act/Civil Liability: [HB 3313](#) by Rep. Cynthia Roe (R-Lindsay) and Sen. Jessica Garvin (R-Duncan) requires minor patient, even one hospitalized with COVID-19, to have a person physically present

while receiving hospital care. A diagnosis of COVID-19 alone does not constitute a medical or therapeutic cause for visitation rights to be removed. A hospital may enact policies establishing reasonable visitation hours; provided, the policies allow for a compassionate exemption process for twenty-four (24) hour visitation in end-of-life scenarios. Where a complaint has been made against a hospital for violating the No Patient Left Alone Act, a complainant may bring a civil action against the hospital for injunctive relief, statutory damages in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for each day that the defendant violated the No Patient Left Alone Act, and costs and attorney fees.

The bill passed the House by a [vote](#) of 86 to 2. The bill moves to the Senate.

Underage Tobacco Use/Repeals Municipal Enforcement: [HB 3315](#) by Rep. Cynthia Roe (R-Lindsay) and Sen. Mark Allen (R-Spiro) removes the administrative fine for a person under the age of twenty-one (21) who purchases, receives, or has in his or her possession a tobacco product, nicotine product or vapor product and requires the violator to complete an education or tobacco use cessation program approved by the State Department of Health. The bill also removes the ability for cities and towns to enact and municipal police officers to enforce ordinances prohibiting and penalizing the purchase or possession of tobacco, nicotine, or vapor products by a person under the age twenty-one (21).

The bill passed the House with the title stricken by a [vote](#) of 77 to 13. The bill moves to the Senate.

OWRB/Water Rights: [HB 3382](#) by Rep. Anthony Moore (R-Clinton) and Sen. Blake Stephens (R-Tahlequah) creates a maximum penalty of Five Thousand Dollars (\$5,000.00) per day for violating groundwater and stream water use policies, such as: the unauthorized use of water, the unauthorized transfer of a water right, the continued use of works which are unsafe after receiving notice to repair, the waste of water, the unauthorized severance of a water right from the land to which it is appurtenant, the refusal to change unsafe works when directed to do so, or the injury or obstruction of waterworks or the violation of a permit condition. Such administrative penalties to be imposed only after notice and opportunity for hearing on the proposed imposition of such penalties. The maximum fine for anyone found guilty of a misdemeanor offense for groundwater use violations is increased from Two Hundred Fifty Dollars (\$250.00) to One Thousand Dollars (\$1,000.00).

The bill passed the House by a [vote](#) of 78 to 0. The bill moves to the Senate.

Water Sales/Enterprise Funds: [HB 3463](#) by Rep. Jim Grego (R-Wilburton) and Sen. Lonnie Paxton (R-Tuttle) beginning November 1, 2022, municipalities and rural water districts selling water to persons or public or private entities outside their boundaries must implement an enterprise fund accounting system to account for the cost of water supply, treatment, and delivery to the point of delivery to the purchaser's water system.

The bill passed the House by a [vote](#) of 92 to 0. The bill moves to the Senate.

GRDA/Open Records: [HB 3569](#) by Rep. Mark McBride (R-Moore) and Sen. Marty Quinn (R-Claremore) exempts the Grand River Dam Authority (GRDA) from the provisions of the Oklahoma Open Records Act exclusively limited to information related to the security of electrical or dam infrastructure and related information systems that, if misused, could facilitate actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of such infrastructure or information systems, including information related to the ability of such infrastructure or information systems to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or information system, security testing, risk evaluation thereto, risk management planning, operational plans, structural schematics, recovery of response plans or risk audits, and proprietary or commercial information received subject to a nondisclosure agreement or confidentiality agreement.

The bill passed the House by a [vote](#) of 53 to 29. The bill moves to the Senate.

Judge Timothy R. Henderson Act/Prohibitive Acts: [HB 3747](#) by Rep. Jason Lowe (D-Tulsa) and Sen. Kevin Matthews (D-Tulsa) creates the Judge Timothy Henderson Act. It is unlawful for a judge in any court in this state to engage in a sexual relationship with a lawyer who is representing a client in a civil or criminal action or proceeding or prosecuting a criminal case on behalf of the state or municipality in a pending case before the same judge. The penalty is a felony punishable by imprisonment for not more than two (2) years, or a fine of not less than Five Thousand Dollars (\$5,000.00) and not to exceed One Hundred Thousand Dollars (\$100,000.00), or by both fine and imprisonment.

The bill passed the House with the title stricken by a [vote](#) of 84 to 6. The bill moves to the Senate.

Law Enforcement/Medical Marijuana/Penalties: [HB 3813](#) by Rep. Preston Stinson (R-Edmond) and Sen. Darrell Weaver (R-Moore) authorizes the Oklahoma Medical Marijuana Authority (OMMA) to have all the powers and authority of a peace officer of this state for the purpose of enforcing the provisions of the Oklahoma Medical Marijuana and Patient Protection Act, rules promulgated by the Executive Director, or criminal laws of this State. These powers shall include, but are not limited to: Investigating any violations of criminal laws of this state; serving all warrants, summons, subpoenas, administrative citations, notices and all other process relating to the enforcement of laws regulating medical marijuana; seizing any marijuana or marijuana product in violation of the Act, any other laws of this state, or any rules promulgated by the Director and adds the aiding enforcement authorities of this state or any county or municipality, or the federal government, in prosecutions of violations of the Oklahoma Medical Marijuana and Patient Protection Act or any other laws of this state that carry criminal penalties involving crimes discovered during the investigation. Investigators of OMMA shall meet all training requirements and qualifications for peace officers as required by Section 3311 et seq. of Title 70. During an investigation, the director of enforcement or any investigator of OMMA, has permission to arrest a violator of any laws of this state. The director of enforcement and any investigator of OMMA, upon request by a sheriff or another peace officer of this state, or any political subdivision therefor, assist in the apprehension and arrest of a violator or suspected violator of the laws of this state.

The bill passed the House with the title stricken by a [vote](#) of 92 to 1. The bill moves to the Senate.

Medical Marijuana Commercial Grow Operation/Location: [HB 3891](#) by Rep. Tammy Townley (R-Ardmore) and Sen. Darrell Weaver (R-Moore) prohibits any medical marijuana commercial grow operation within one thousand (1,000) feet of any public school. The distance must be measured from the nearest property line of the public school to the nearest perimeter wall of the licensed premises of the medical marijuana processor or commercial grower. If the operation was within one thousand (1,000) feet of a public school at the time of initial licensure, the grower licensee shall be permitted to continue operating and not subject to nonrenewal or revocation due to subsequent events or changes in regulation after licensure. If any public school is established within one thousand (1,000) feet of any medical marijuana commercial grow operation after such operation has been licensed shall not be a deterrent to the renewal of such license or warrant revocation of license. The definition of "public school" shall include e property

used for athletic events including stadiums, athletic facilities, ballparks, and fields that are owned, used or operated by a public school. It does not include private schools, home schools, or virtual schools. It also doesn't include administrative building unless it is located on the same campus as a building used for classroom instruction on core curriculum.

The bill passed the House by a [vote](#) of 62 to 31. The bill moves to the Senate.

Workers' Compensation/Mental Injury: [HB 3899](#) by Rep. Chris Kannady (R-OKC) and Sen. Brent Howard (R-Altus) provides that a law enforcement officer, firefighter, or emergency medical technician on a full-time basis by a municipality, county, or the State of Oklahoma, or a volunteer firefighter who suffers post-traumatic stress disorder (PTSD) while responding to an emergency is a compensable injury. If the treating physician is of the opinion that the first responder is temporarily unable to perform his or her job or any alternative work offered by the employer, he or she shall be entitled to receive compensation which is the greater of weekly benefit provided for in a collective bargaining agreement or according to the policy of the employer, or seventy percent (70%) of the injured employee's average weekly wage not to exceed the state average weekly wage for no more than fifty-two (52) weeks. A person who receives benefits for a mental injury or illness not caused by a physical injury who, after reaching maximum medical improvement, is unable to perform the essential functions of their employment position and who is not eligible to receive a disability retirement through their pension or retirement system is eligible to be awarded permanent disability benefits. In the event the Workers' Compensation Commission finds that a first responder has suffered PTSD not accompanied by a physical injury, the employer shall provide reasonable and necessary medical treatment for such injury for a period of no longer than one (1) year. The employer is not responsible for medical treatment in the form of prescription medicine in excess of Ten Thousand Dollars (\$10,000.00). During the period a first responder is temporarily unable to perform his or her job, the employer is required to maintain health insurance coverage if the insurance was in effect the day of the injury. Any city or town in this state that incurs a claim relating to post-traumatic stress disorder may, at the city or town's option, transfer the payment of all or any portion of the claim or increased workers' compensation premiums to the judgment rolls of the geographic area or areas serviced by the department of the injured worker, including any unincorporated areas serviced by the department, and shall be listed on official publications as "First Responder PTSD".

The bill passed the House by a [vote](#) of 98 to 0. The bill moves to the Senate.

Physically Disabled Parking Signage: [HB 3976](#) by Rep. Merleyn Bell (D-Norman) and Sen. Mary Boren (D-Norman) requires a sign to be twelve (12) inches by eighteen (18) inches or larger and must use a design of the modernized International Symbol for Accessibility, which shall depict a figure leaning forward in a wheelchair. The bill requires van-accessible physically disabled reserved parking spaces must also display sign R7-8a as provided in the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration of the United States Department of Transportation a sign which must be twelve (12) inches by eighteen (18) inches or larger and must use a design of the modernized International Symbol for Accessibility, which shall depict a figure leaning forward in a wheelchair. Municipalities shall adopt ordinances in compliance with this subsection by January 1, 2023. This bill does not require the replacement of existing signage or inventory prior to ordinary maintenance procedures and rotations.

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

Rural Water Districts: [HB 4001](#) by Rep. Bob Ed Culver (R-Tahlequah) and Sen. Julie Daniels (R-Bartlesville) requires any corporation borrowing money, securing any indebtedness, or accepting grants from the federal government that entitled the corporation to a protected service area under 7 U.S.C., Section 1926(b) must first establish a water district under Oklahoma law that will define the protected service area.

The bill passed the House by a [vote](#) of 88 to 0. The bill moves to the Senate.

Law Enforcement/Critical Infrastructure/Loitering: [HB 4191](#) by Rep. Justin Humphrey (R-Lane) and Sen. Darrell Weaver (R-Moore) makes it unlawful to loiter upon property containing critical infrastructure without permission. It adds to the definition of "critical infrastructure" any county-owned property including, but not limited to, courthouses and detention centers and any publicly owned property whose purpose is to provide for the health and wellness of the community.

The bill passed the House with the title stricken by a [vote](#) of 71 to 19. The bill moves to the Senate.

Courts/Domestic Abuse Act: [HB 4194](#) by Rep. Jon Echols (R-OKC) and Sen. Roger Thompson (R-Okemah) requires the courts to be responsible for assessing prior patterns of abuse and shall present written findings on the bail

amount if the person arrested for any crime provided for in the Protection from Domestic Abuse Act or a violent crime.

The bill passed the House by a [vote](#) of 92 to 0. The bill moves to the Senate.

Competitive Bidding/Public Trusts: [SB 173](#) by Sen. Paul Rosino (R-OKC) and Rep. Nicole Miller (R-Edmond) amends competitive bidding for trusts by amending 60 O.S. Section 176 related to engaging in activities outside the geographic boundaries of its beneficiary by removing current language requiring benefit to a large class of the public. In addition, construction contracts, when required, shall be administered, advertised, and awarded according to the Public Competitive Bidding Act of 1974.

The bill passed the Senate by a [vote](#) of 44 to 1. The bill moves to the House.

Firearms/Felons: [SB 186](#) by Sen. David Bullard (R-Durant) and Rep. Sean Roberts (R-Hominy) amends 21 O.S. Section 1283 impacting the prohibition on felons' 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 the Senate by a [vote](#) of 44 to 1. The bill moves to the House.

Firearm/CLEET Instructor: [SB 1118](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Tom Gann (R-Inola) relates to firearms by removing references to four-year CLEET firearms instructor approval processes, mandates approval of qualifying persons for certain training certificates and adjusts references to pistols as handguns.

The bill passed the Senate by a [vote](#) of 36 to 8. The bill moves to the House.

Law Enforcement/Funeral Home Transports: [SB 1123](#) by Sen. George Burns (R-Pollard) and Rep. Rick West (R-Heavner) states that nothing in section 931 through 954 of Title 63 shall prevent the funeral home service from transporting a decedent from the scene to their facility once the attending law enforcement officer has adequately documented and preserved the conditions at the scene by photographs and measurements. Once the decedent is transported to a funeral home, the medical examiner shall be notified of the transport location for the purpose of completing the examination required. Each law enforcement agency shall maintain a current on-call rotation list of funeral homes in the area to call once the decedent has been released for transport.

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

Political Subdivisions Opioid Abatement Grant Act: [SB 1275](#) by Sen. Brent Howard (R-Altus) and Rep. Kevin Wallace (R-Wellston) revises the criteria for allocating the grant awards to eligible participants. The bill also provides for the reimbursement of attorney fees and allowable expenses directly related to opioid litigation incurred as part of legal services agreements entered before May 21, 2020. The initial opioid grant awards shall be listed in an opioid grant award distribution table adopted by the Board.

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

Oklahoma Consumer Energy Choice/Preemption: [SB 1352](#) by Sen. Zack Taylor (R-Shawnee) and Rep. Brad Boles (R-Marlow) creates the Oklahoma Consumer Energy Choice Act. Energy source is defined to mean any fuel or power source used to power an engine including but not limited to any of the following: aviation fuel, biofuel, compressed natural gas, diesel, electricity to be utilized for the charging of electric vehicles, gasoline, hydrogen, gas distillates, hydrogen, liquified petroleum gas, and renewable diesel. A city, town or county is prohibited from adopting an ordinance, rule, or code which limits consumer access to an energy source or that results in the de facto prohibition of a wholesaler, retailer, or related infrastructure that is necessary to provide consumer access to a specific energy source within the jurisdiction of a city, town, or county. For the purposes of promoting commerce and the equitable treatment of the citizens of this state, limitations of consumer access to an energy source by any city, town, county, or subdivision is declared to be a statewide concern and is prohibited pursuant to subsection C of this section of law.

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

Motorized Scooters: [SB 1430](#) by Sen. Brenda Stanley (R-Midwest City) and Rep. Robert Manger (R-OKC) increases the maximum speed allowed to motorized scooters to thirty (30) mph as well as increases the piston or rotor displacement from thirty (30) to fifty (50) cu cm. The bill provides that a person must be at least fourteen (14) years of age to operate a motorized scooter and shall observe all applicable traffic safety regulations.

The bill passed the Senate by a [vote](#) of 39 to 6. The bill moves to the House.

Sales Tax Refund/Feminine Hygiene Program: [SB 1499](#) by Sen. Jessica Garvin (R-Duncan) and Rep. Cynthia Roe

(R-Lindsay) creates the Feminine Hygiene Program (Program), which shall be administered by the State Department of Health (Department). The Program shall provide feminine hygiene products, as defined in the measure, to women. Local health departments may apply to the Department for funds. The Department shall award grants in an amount based on a measure of the needs of the population the local health department intends to serve. The bill also creates the Feminine Hygiene Program Revolving Fund. For fiscal year 2024 and each subsequent fiscal year, before any other apportionment is made to the General Revenue Fund, apportions One Million Dollars (\$1,000,000.00) to the Feminine Hygiene Program Revolving Fund. The sales tax exemption for the sale of feminine hygiene products is administered in the form of a refund and the vendor is required to collect the sales tax applicable to the transaction. The purchaser may apply for the refund within sixty (60) days after the end of each calendar year. The Tax Commission shall create a form for purposes of making the application for the refund. The bill lays out the products that are to be covered.

The bill passed the Senate with the title stricken by a [vote](#) of 36 to 6. The bill moves to the House.

Law Enforcement/Street Legal Utility Vehicles: [SB 1528](#) by Sen. Joe Newhouse (R-Broken Arrow) and Rep. Jeff Boatman (R-Tulsa) authorizes street-legal utility vehicles to be operated on U.S. highways so long as they conform to U.S. highway code and regulations.

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

Drug Court Program: [SB 1548](#) by Sen. Roger Thompson (R-Okemah) and Speaker Pro Tempore Kyle Hilbert (R-Depew) requires in each county with a drug court program that the county commissioners enter into an administrative contract with the Department of Mental Health and Substance Abuse Services (DMHSAS) for establishing a drug court program. Juvenile drug courts may be established based upon the provisions of the Oklahoma Drug Court Act; provided, however, a juvenile shall not be held, processed, or treated in a manner that violates any provision of Title 10A of the Oklahoma Statutes. An offender admitted to the drug court program for a crime which requires the offender to attend a batterers' intervention program certified by the Attorney General's office is required to undergo such treatment as a condition of drug court. Each drug court team shall develop agreed-upon, objective criteria to determine presumptive court eligibility for the offenders. The objective criteria shall be in writing and communicated to potential referral sources including but not limited to judges, law enforcement, defense attorneys,

prosecutors, treatment professionals, and community supervision officers. The bill requires notification be provided to victims if the offender involved in the crime seeks to participate in the program. The coordinator shall file a form with the district attorney if a person wishes to be voluntarily placed in the program as well as keep a record of all presumptively eligible offenders who are not placed in the drug court.

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

Law Enforcement/Cross-Deputization Agreements: [SB 1565](#) by Sen. Darrell Weaver (R-Moore) and Rep. Ross Ford (R-Broken Arrow) authorizes the Attorney General to cross-deputize police officers of the police department of any municipality or any officer deputized by the county sheriff or a designee subject to an interlocal governmental agreement with the Attorney General's Office in an effort to combine city, county, and state law enforcement efforts and to encourage cooperation between city, county, and state law enforcement officials. It requires liability for the conduct of any municipal police officer cross-deputized under the terms and conditions of an interlocal governmental agreement or any officer deputized by the county sheriff under the terms and conditions of an interlocal governmental agreement to remain the responsibility of the respective employer for that officer.

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

Water/Groundwater Alternatives/Oil and Gas: [SB 1594](#) by Sen. Casey Murdock (R-Felt) and Rep. Brad Boles (R-Marlow) states that prior to approving a permit to use fresh groundwater for enhanced recovery of oil and gas, the Oklahoma Water Resources Board shall determine that the applicant has reviewed all other economically viable alternatives for the use of fresh groundwater. The bill also requires the applicant to provide a copy of the unitization plan and a copy of each injection well application and the approval of such application by the Corporation Commission along with other documentation.

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

Law Enforcement/Protective Orders: [SB 1674](#) by Sen. Dave Rader (R-Tulsa) and Rep. Ross Ford (R-Broken Arrow) modifies the edibility requirements for filing a protective order by removing requirement of first needing to file a police report with a law enforcement

organization prior to requesting a protective order for defined petitioners.

The bill passed the Senate by a [vote](#) of 41 to 0. The bill moves to the House.

Medical Marijuana/Law Enforcement/Civil Asset Forfeiture: [SB 1688](#) by Sen. Rob Standridge (R-Norman) and Rep. Kevin West (R-Moore) allows any property possessed, used or available for use in the cultivation, distribution, processing, sale, or transfer of marijuana by any person or business entity not licensed by the Oklahoma Medical Marijuana Authority or otherwise in violation of the medical marijuana laws in this state to be subject to forfeiture.

The bill passed the Senate with the title stricken by a [vote](#) of 42 to 4. The bill moves to the House.

Medical Marijuana/Water Sources: [SB 1693](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Josh West (R-Grove) requires a commercial grower applicant or licensee, prior to engaging in a commercial growing operation, either: 1) acquire a water use permit from OWRB if the commercial growing operation uses groundwater or water from an Oklahoma stream; or 2) acquire an official statement of permission from the county, municipality, or other political subdivision that provides water if the commercial growing operation uses rural or municipal water and register the statement with OMMA. Upon failure of a commercial grower licensee to register the water source of a commercial growing operation with OMMA, or if applicable, receive a permit by OWRB after ninety (90) days following license renewal, OMMA shall revoke the commercial license.

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

Battery-Charged Security Fences/Preemption: [SB 1706](#) by Sen. James Leewright (R-Bristow) and Rep. Lonnie Sims (R-Jenks) defines "battery-charged security fence" means 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. The bill prohibits a municipality, county from adopting any ordinance, order, or regulation concerning the installation, operation, or usage of a battery-charged security fence as long as the installation, operation, and usage of the battery-charged fence follows the requirements and standards in Section 3 of this act.

The bill passed the Senate by a [vote](#) of 38 to 9. The bill moves to the House.

Medical Marijuana/Setback Requirements: [SB 1726](#) by Sen. James Leewright (R-Bristow) and Speaker Pro Tempore Kyle Hilbert (R-Depew) expands the definition of "schools" to include technology centers as it relates to medical marijuana dispensary and commercial growers to the setback requirements.

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

Medical Marijuana/Signage: [SB 1737](#) by Sen. Blake Stephens (R-Tahlequah) and Rep. Kenton Patzkowsky (R-Balko) requires a medical marijuana business to post conspicuous, easy-to-read signage at each entrance of the site of the commercial grow operation. The information to be included on the required sign is as follows: business name; physical address of the licensed business; phone number of the licensed business; and medical marijuana business license number. The required signage shall also comply with county regulations and local ordinances related to the real property where the commercial grow operation is located. Failure to erect the proper signage in accordance with the provisions of this subsection shall result in immediate revocation of the medical marijuana commercial grower license.

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

Medical Marijuana/Municipal COC and Occupancy Permits: [SB 1755](#) by Sen. James Leewright (R-Bristow) and Rep. John Pfeiffer (R-Mulhall) provides that a license provided by the Oklahoma Medical Marijuana and Patient Protection Act shall not be issued until all relevant local licenses and permits have been issued by the municipality including, but not limited to, an occupancy permits or certificate of compliance. A license cannot be issued until OMMA determines that all necessary inspections and reviews, including, but not limited to, plans reviews, life safety inspections, or compliance inspections, have been completed. The bill allows an applicant to be granted a conditional license if he or she has not received the necessary permits, certificates, or licenses from a municipality. A conditional license does not entitle an applicant to operate or act as a licensee. The bill allows OMMA the authority to approve the application once the applicant has fulfilled all the obligations.

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

Medical Marijuana/License Contact Information: [SB 1779](#) by Sen. Shane Jett (R-Shawnee) and Rep. Eric Roberts (R-OKC) requires a medical marijuana business to post conspicuous, easy-to-read signage at each licensed property entrance with the medical marijuana business license number and a telephone number accessible for the public to reach the medical marijuana business license holder.

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

Federal Funding/Signage: [SB 1822](#) by Sen. Kay Floyd (D-OKC) Speaker Pro Tempore Kyle Hilbert (R-Depew) requires that all infrastructure and construction projects in this state that are visible to the public and that are funded partially or fully by the Joint Committee on Pandemic Relief Funding to be displayed in a prominently visible location at the project site. Such signage shall reference the COVID-19 Recovery and Resilience Initiative, the Joint Committee on Pandemic Relief Funding, and the year completed. Office of Management and Enterprise Services is authorized to implement the provisions of this bill. The Oklahoma Tourism and Recreation Department is responsible for overseeing the design and placement of signs for this project.

The bill passed the Senate with the title restored by a [vote](#) of 40 to 4. The bill moves to the House.

Medical Marijuana/Licenses/Regulations: [SB 1841](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Carol Bush (R-Tulsa) allows the Oklahoma Medical Marijuana Authority (OMMA) to deny an application or suspend or revoke a medical marijuana business license due to any violation of state law, any violations of a regulation applicable to the business including those adopted or enforced by any state agency including, but not limited to, DEQ, OWRB, Department of Agriculture, Food and Forestry, the Corporation Commission, or any local ordinance or regulation applicable to a medical marijuana business or inaccurate reporting or disclosures to municipal governments. It requires OMMA to notify the license holder of the violation and gives thirty (30) days to resolve the violation.

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

OWRB/Water Use Permit Holders: [SB 1835](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Josh West (R-Grove) requires the Oklahoma Water Resources Board (OWRB) to send a written report to any holder of a water use permit found to be out of compliance. The citation

must include any statutory requirements, administrative rules, and regulations that OWRB deems to have been violated by the permit holder. OWRB must send these notices by certified mail, return receipt requested, or by electronic mail, read receipt requested, distribute the report to the permit holder. The permit holder has ninety (90) days from the date that the report and citation are received to resolve any issue in the complaint. It requires the permit holder be fined Five Thousand Dollars (\$5,000.00) per day until all subjects of the complaint are resolved. Failure to come into compliance may result in a revocation by the Board of the water permit at issue.

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

Community and Economic Development Bonds/Constitutional Amendment: [SJR 36](#) by Sen. John Montgomery (R-Lawton) and Sen. Jeff Boatman (R-Tulsa) sends to the vote of the people a question that authorizes municipal and county levies of tax to provide payments on the issuance of bonds for community and economic development purposes. The amendment expands the use of these levies to include appropriations funds for community economic and development purposes including appropriations to economic or industrial development authorities or agencies. Approval of the appropriations are subject to the same requirements as those for the issuance of bonds. The amendment provides the same options for tax levies as those for the issuance of bonds, except the levy for real and personal property is limited to two (2) mills on the dollar.

The bill failed the Senate on Monday with the title stricken by a [vote](#) of 23 to 23. Sen. Montgomery held it on a "Motion to Reconsider". The bill then passed on Thursday with the title stricken by a [vote](#) of 34 to 11.