

09-22

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COMPREHENSIVE PLAN PREEMPTION LANGUAGE DROPPED YESTERDAY

Legislation that could make it more difficult for a municipal governing body to handle comprehensive plans was dropped yesterday. OML has been informed that this bill could be heard in the House Rules Committee on Tuesday.

SB 573 by Rep. Ryan Martinez (R-Edmond) and Sen. John Montgomery (R-Lawton) restricts the municipal governing body to follow certain parameters when considering a comprehensive and master plan, zoning designations, and planned unit developments applications for amendments, changes, modifications, revisions, or applications. Those parameters are as follows:

1. When a proposed zoning land use change conforms to the applicable land use designation in the municipality's adopted comprehensive plan or master plan, then such zoning land use application shall have a presumptive right to be approved;
2. Rezoning applications shall not be denied merely on the basis of noncompliance with a comprehensive plan or master plan;
3. The governing body shall consider the objective basic physical facts of the subject property and surrounding area and no single consideration shall be treated as a dispositive basis for denial;
4. Municipal power to interfere by zoning with the general rights of property owners is limited and the governing body's decisions must be strictly bound by the limits of police power and must be based upon consideration of only objective and relevant basic physical facts that indicate whether the proposed zoning application if approved would be harmful to the health, safety, and welfare of the public; and
5. The notice and hearing provisions that may be applicable are intended to provide members of the public with a right to be heard. However, decisions on land use applications shall not be based upon the presence, numbers, or magnitude or opposition or protests to such applications.

As to preliminary plats and subdivisions, the municipal governing body shall follow these parameters:

1. Determinations on preliminary plats shall be considered administrative procedures being quasi-judicial in nature;
2. Determination on preliminary plats shall be based on the objective and clearly ascertainable standards which are expressly set forth in the zoning regulations and subdivision regulations and shall not be denied based on noncompliance with a comprehensive plan or master plan; and

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3. Decisions on preliminary plats and subdivisions shall not be based upon the presence, numbers or magnitude of opposition or protests to such applicant.

BILLS ON THE MOVE

Here is a snapshot of bills impacting cities and towns.

Oklahoma Rail Improvements for Economic Development Program Act: [HB 1413](#) by Speaker Charles McCall (R-Atoka) and Sen. Rob Standridge (R-Norman) creates the Oklahoma Rail Improvements for Economic Development Program Act. Within the Department of Transportation, contingent upon the availability of funds, the program will identify and select qualified communities in this state to receive infrastructure matching grants to support rail improvements in support of regional economic development. The focus of the program is to support local infrastructure improvements to enhance and improve access to rail transportation networks to support economic development activities throughout the State of Oklahoma. Eligible communities will be economic development authorities, cities, counties, and tribal governments. Priority is given to applicants that are within persistent poverty counties as defined by any federal agency. The program shall make matching grant awards each year to the selected qualified communities. The awards shall be up to Five Million Dollars (\$5,000,000.00) each and shall be a direct one-to-one match for nonstate funds invested or received by the program, including funds from the applicant entity.

The bill passed the Senate Transportation Committee by a [vote](#) of 10 to 1. The bill moves to the Senate Appropriations Committee.

Medical Marijuana/Grower Licenses: [HB 2179](#) by Rep. Scott Fetgatter (R-Okmulgee) and Sen. Jessica Garvin (R-Duncan) 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 Senate Business, Commerce and Tourism Committee by a [vote](#) of 11 to 0. The bill moves to the Senate Appropriations Committee.

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 Senate Retirement and Insurance Committee with the enacting clause stricken by a [vote](#) of 8 to 0. The bill moves to the Senate Appropriations Committee.

OPERS/Military and EMS Personnel: [HB 2758](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Darrell Weaver (R-Moore) 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 Senate Retirement and Insurance Committee by a [vote](#) of 8 to 0. The bill moves to the Senate Appropriations Committee.

Veterans Sales Tax Exemption/Vehicle: [HB 3050](#) by Rep. Tommy Hardin (R-Madill) and Sen. Frank Simpson (R-Ardmore) exempts the sales of motor vehicles from counting towards the Twenty-five Thousand Dollars (\$25,000.00) annual sales tax exemption limit for one hundred percent (100%) disable veterans. The exemption may only be claimed for one vehicle every three years, unless the vehicle is a replacement for a vehicle that was destroyed or totaled.

The bill passed the Senate Appropriations Committee with the enacting clause stricken by a [vote](#) of 17 to 0. The bill moves to the full Senate.

Publication/Notices: [HB 3062](#) by Rep. Trish Ranson (D-Stillwater) and Sen. Mary Boren (D-Stillwater) authorizes the city or town to make the same required information in a public notice available on a website maintained by or on behalf of the city or town for a period equal to the periods of time during which the information is required to be contained in a newspaper publication. A city of town may allow the information to be available on the website for a longer period and maintain the records as prescribed by law. If the publication involves a daily newspaper, and such 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. No power interruption or hardware or software failure related to the digital electronic edition shall be a basis to invalidate the action or proceeding for which the notice is required to be published in the digital electronic edition.

The bill failed to pass the Senate Rules Committee by a [vote](#) of 3 to 8.

Firearm/Municipal Carry: [HB 3069](#) by Rep. Robert Manger (R-OKC) and Sen. Brenda Stanley (R-Midwest City) allows municipalities to authorize certain employees or public officials of the municipality, municipal public trust, or municipal authority who possess a valid handgun license and who have successfully completed any additional training or requirements as established by ordinance or resolution to carry a concealed handgun when acting in the course and scope of employment. Firearms may not be present in a location that is a firearm-prohibited location. Firearm prohibited location is defined as any room, location, or other place on municipally owned, leased, or maintained property designated as a firearm-prohibited location by the municipal government and any police department, courthouse, courtroom, prison, jail, detention facility, or any facility used to process, hold, or house arrested persons, prisoners, or persons alleged delinquent or adjudicated delinquent.

The bill passed the Senate Public Safety Committee with the title stricken by a [vote](#) of 10 to 0. The bill moves to the full 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 Senate Health & Human Services Committee by a [vote](#) of 8 to 0. The bill moves to the full Senate.

Municipal Campaign Finance and Financial Disclosure Act: [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 one 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 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 passed the Senate Rules Committee with two [amendments](#) by a [vote](#) of 12 to 0. The bill moves to the Senate Appropriations Committee.

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 Senate Public Safety Committee by a [vote](#) of 10 to 0. The bill moves to the full 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 was [amended](#) in committee to restore stricken language that requires the cost of collecting, retaining, and sending or delivering to an independent laboratory the excess specimens of blood for independent analysis at the option of the tested person

to be borne by such law enforcement agency. The cost of the independent analysis of such specimen of blood shall be borne by the tested person at whose option such analysis is performed. The tested person, or is or her agent, shall make all necessary arrangements for the performance of such independent analysis other than the forwarding or delivery of such specimen.

The bill passed the Senate Judiciary Committee by a [vote](#) of 9 to 0. The bill moves to the Senate Appropriations Committee.

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 Senate Public Safety Committee by a [vote](#) of 8 to 0. The bill moves to the full 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 Senate Public Safety Committee with the enacting clause stricken by a [vote](#) of 8 to 1. The bill moves to the Senate Appropriations Committee.

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 Senate Health & Human Services Committee with the title restored by a [vote](#) of 8 to 0. The bill moves to the full Senate.

Autonomous Vehicles/Preemption: [HB 3317](#) by Rep. Nicole Miller (R-Edmond) and Sen. Paul Rosino (R-OKC) allows for operation of fully autonomous vehicles. It states conditions for operations and requires submission of law enforcement interaction plan prior to operation. The bill establishes rules and requirements for fully autonomous vehicles. A fully autonomous vehicle shall be properly titled in accordance with Oklahoma Vehicle Licensing and Registration Act and shall be identified as an autonomous vehicle. The bill preempts the authority of a county or municipality to prohibit, restrict or regulate the operation of motor vehicles equipped with automated driving systems.

The bill passed the Senate Transportation Committee by a [vote](#) of 7 to 1. The bill moves to the full 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 Senate Energy Committee by a [vote](#) of 10 to 0. The bill moves to the full Senate.

Law Enforcement/Reports of Convictions/Tribes: [HB 3501](#) by Rep. David Hardin (R-Stilwell) and Sen. Darrell Weaver (R-Moore) directs the Department of Public Safety (DPS) to recognize and act upon a report of conviction in a court of any federally recognized Indian tribe within the geographical boundaries of the State of Oklahoma or a court of the United States in the same manner it acts upon any report of conviction from an Oklahoma state or municipal court. Any report of conviction submitted to DPS shall be submitted using a format approved by DPS and shall include the full name of the offender as it appears on the driver license, the number of the driver license and the penalty imposed. The bill defines "tribe" to mean a federally recognized Indian tribe within the geographic boundaries of this state; and "qualified court" to mean those tribal court systems that have adopted the Tribal Law and Order Act of 2010.

The bill passed the Senate Public Safety Committee by a [vote](#) of 9 to 0. The bill moves to the full Senate.

Sales Tax Exemption/Timber: [HB 3637](#) by Rep. Eddy Dempsey (R-Valliant) and Sen. David Bullard (R-Durant) expands sales tax exemptions for agriculture to include those involved in the production of timber, seedling production, and forestry management. The definition shall not include the growing, harvesting and processing of marijuana as defined in Section 427.2 of Title 63 of the Oklahoma Statutes. It also defines "livestock" to include the breeding of game animals which are animals bred to be hunted for sport or food.

The bill passed the Senate Appropriations Committee with the enacting clause stricken by a [vote](#) of 17 to 0. The bill moves to the full 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 Senate Retirement and Insurance Committee by a [vote](#) of 8 to 0. The bill moves to the Senate Appropriations Committee.

Law Enforcement/Judge Timothy Henderson Act: [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 Senate Public Safety Committee with the enacting clause stricken by a [vote](#) of 9 to 0. The bill moves to the Senate Appropriations Committee.

DEQ/Water Quality Standard Variances: [HB 3824](#) by Rep. Carl Newton (R-Woodward) and Sen. Darcy Jech (R-Kingfisher) authorizes the Department of Environmental Quality (DEQ) to adopt water quality standard variances and site-specific criteria are utilized in and enforced through water quality permits issued by DEQ. Such variances and site-specific criteria may be adopted through the rulemaking or through the permitting process; provided that the process satisfies the public participation and water quality standard variance requirements set forth in the corresponding federal regulations.

The bill passed the Senate Energy Committee by a [vote](#) of 12 to 0. The bill moves to the full Senate.

OWRB/Reasonable Fees: [HB 3825](#) by Rep. Carl Newton (R-Woodward) and Sen. Darcy Jech (R-Kingfisher) and deletes fee and late fee requirements for annual groundwater permit administration for the submission of water use reports.

The bill failed to pass the Senate Energy Committee by a [vote](#) of 4 to 8.

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 Senate Energy Committee by a [vote](#) of 11 to 0. The bill moves to the full Senate.

Workers' Compensation Benefits/Surviving Spouses: [HB 4371](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Darrell Weaver (R-Moore) allows the weekly income benefits payable to the surviving spouse of a municipal police officer, a municipal firefighter, a county sheriff or deputy sheriff, a state trooper, or an emergency medical technician to continue whether the surviving spouse remarries.

The bill passed the Senate Public Safety Committee by a [vote](#) of 9 to 0. The bill moves to the Senate Appropriations Committee.

Law Enforcement/Penalties for Third-Degree Burglary: [HB 4373](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Darrell Weaver (R-Moore) modifies the elements of burglary in the second degree to add every person who climbs under, or uses any jack stands or any other item to raise any automobile, in which any property is kept, with intent to steal, steal any property attached thereto, or commit any felony. The term property includes but is not limited to tires, wheels, and catalytic converters. Burglary in the third-degree is punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the custody of the Department of Corrections or both fine and imprisonment.

The bill passed the Senate Public Safety Committee by a [vote](#) of 8 to 1. The bill moves to the Senate Appropriations Committee.

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 One Thousand Dollars (\$1,000.00). The bill establishes punishments and penalties for such violations. The term "mercantile establishment" means an establishment where merchandise is displayed, held, or offered for sale, either at retail or wholesale, from a fixed location.

The bill passed the Senate Public Safety Committee by a [vote](#) of 7 to 1. The bill moves to the Senate Appropriations Committee.

Law Enforcement/Security Guard: [SB 80](#) by Sen. J.J. Dossett (D-Owasso) and Rep. Ross Ford (R-Broken Arrow) provides on or after November 1, 2022, a person employed or operating as an unarmed security guard who has submitted a complete license application to

CLEET and who is employed by a licensed security agency shall have forty-five (45) days from the date of employment to secure a license issued by CLEET pursuant to the Oklahoma Security Guard and Private Investigator Act. If the application of the person is denied before forty-five (45) days has expired or if the time expires prior to the issuance of a license, the person shall not continue to operate as a security guard until such time as a proper license is issued.

The bill passed the House Criminal Justice & Corrections Committee by a [vote](#) of 5 to 0. The bill moves to the full House.

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 House Judiciary - Civil Committee by a [vote](#) of 8 to 0. The bill moves to the full House.

Police Pension and Retirement/Age: [SB 318](#) by Sen. Zack Taylor (R-Seminole) and Rep. Ross Ford (R-Broken Arrow) increases the maximum age for entry into the Oklahoma Police Pension and Retirement System from forty-five (45) years of age to fifty (50). A municipality that employs two (2) or fewer full-time police officers may employ a police officer who is more than fifty (50) years of age and who has never participated in the Police Pension System.

The bill passed the House Banking, Financial Services and Pensions Committee by a [vote](#) of 6 to 1. The bill moves to the full House.

Restricted CDL/Agriculture Industries: [SB 942](#) by Sen. Casey Murdock (R-Felt) and Rep. John Pfeiffer (R-Mulhall) authorized the Department of Public Safety to issue a restricted commercial driver license (cdl) to drivers eighteen (18) years of age or older. The applicant must have held a driver license for at least one year, with more than two (2) years of driving experience and shall have a good driving record for the most recent two (2) years. The restricted cdl shall not exceed the maximum total days that federal law allows. Applicants are exempt from the knowledge and skills test. Application of the restricted cdl does not have to be used in consecutive days; use of permit shall be declared at application. A

good driving record means an applicant has not had more than one license, has not had any license suspended, revoked or cancelled, has not had any conviction for any type of disqualifying offenses or serious traffic violations, or has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which they were at fault.

The bill passed the House Public Safety Committee by a [vote](#) of 9 to 0. The bill moves to the full 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 House Public Safety Committee by a [vote](#) of 7 to 2. The bill moves to the full 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 House Criminal Justice & Corrections Committee by a [vote](#) of 5 to 0. The bill moves to the full House.

Driver Licenses/Veterans Designation: [SB 1177](#) by Sen. Frank Simpson (R-Ardmore) and Rep. Josh West (R-Grove) directs the Department of Public Safety (DPS) to include a numeric designation indicating a veteran's 100% disability rating granted by the Department of Veteran Affairs on the veteran's driver license. Additionally, the surviving spouse of a 100% disabled veteran who has not remarried is entitled to receive a driver license or identification card indicating his or her status as an eligible current spouse or an eligible surviving spouse who has not remarried entitled to the disabled veteran sales tax exemption. The label on the

driver license shall serve as confirmation that the veteran or surviving spouse is entitled to the benefits afforded such persons as well as the sales tax exemption. The measure also directs the Department of Public Safety and Department of Veteran Affairs to implement a technology-based information exchange process allowing the Department of Public Safety and motor agents to validate an applicant's claim of veteran status, veteran disability status, status as a current spouse of an eligible disabled veteran, or status as an eligible surviving spouse of an eligible deceased disabled veteran.

The bill passed the House Veterans & Military Affairs Committee by a [vote](#) of 7 to 0. The bill moves to the full House.

Small Police Departments: [SB 1188](#) by Sen. Zack Taylor (R-Seminole) and Rep. Carl Newton (R-Woodward) allows a municipality with a population of four thousand five hundred (4,500) or less, according to the latest Federal Decennial Census, to employ retired police officers who are more than forty-five (45) years of age and who have participated in the Oklahoma Police Pension and Retirement System and are receiving retirement benefits. Such officers shall not be eligible to reenter and participate in the System. The bill also sets the minimum interest rate credited to a member's Oklahoma Deferred Option Plan (DROP) account within the Oklahoma Police Pension and Retirement System (OPERS) at seven and one-half percent (7.5%), effective July 1, 2022.

The bill passed the House County & Municipal Government Committee by a [vote](#) of 10 to 0. The bill moves to the full House.

Tort Claims/Mental Health Transport: [SB 1311](#) by Sen. Brent Howard (R-Altus) and Rep. Chris Kannady (R-OKC) for the purposes of the Governmental Tort Claims Act, employee shall include independent contractors and employees of independent contractors while actively engaged in the transport of individuals in need of initial assessment, emergency detention, or protective custody as authorized by Section 1-110 of Title 43A. The bill also provides that a tort shall not include a claim for inverse condemnation as it relates to the Governmental Tort Claims Act.

The bill passed the House Judiciary – Civil Committee by a [vote](#) of 7 to 3. The bill moves to the full 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 House A&B Committee by a [vote](#) of 24 to 0. The bill moves to the full House.

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 House Criminal Justice & Corrections Committee by a [vote](#) of 5 to 0. The bill moves to the full House.

Bonds/Public Facilities: [SB 1343](#) by Sen. Brent Howard (R-Altus) and Rep. Anthony Moore (R-Clinton) allows the Municipal and County Economic and Community Development Bonds Act to be used for county jails, detention facilities, and emergency or fire response facilities. It also adds public health facilities including but not limited to county or public hospitals, clinics, emergency medical service facilities, and county health department facilities.

The bill passed the House County & Municipal Government Committee by a [vote](#) of 8 to 2. The bill moves to the full House.

Oklahoma Consumer Energy Choice Act: [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 House Energy and Natural Resources Committee by a [vote](#) of 13 to 0. The bill moves to the full House.

Elections/Polling Places: [SB 1364](#) by Sen. Dave Rader (R-Tulsa) and Speaker Pro Tempore Kyle Hilbert (R-Depew) for elections to be held after July 1, 2022, any political subdivision that held an election that was conducted by a county election board on or after January 1, 2018, and that owns, rents, or leases a facility in or near a precinct without a suitable polling place available to make space within the facility available for use as a polling place upon the written request of the secretary of the county election board. A reasonable maintenance or cleaning fee may be charged to the county election board for use of the facility as a polling place.

The bill passed the House Elections & Ethics Committee by a [vote](#) of 9 to 0. The bill moves to the full House.

Law Enforcement/Mental Health Training: [SB 1370](#) by Sen. Kevin Matthews (D-Tulsa) and Rep. Jason Lowe (D-Tulsa) requires as part of the minimum curriculum requirements for training on recognizing and managing a person appearing to require mental health treatment or services, crisis intervention and techniques to assist with de-escalating interaction between security guards, private investigators, and the public.

The bill passed the House Public Safety Committee by a [vote](#) of 9 to 0. The bill moves to the full House.

State Fire Marshal/Building Permits: [SB 1374](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Stan May (R-Broken Arrow) adds public trusts to the list of entities whose facilities the Fire Marshal is required to make a fire inspection at least once per year. The bill clarifies that any partnership, organization, city, town, school district, county, or other subdivision of government failing to comply with the lawful orders of the Fire Marshal shall be subject to the One Thousand Dollars (\$1,000.00) daily fine. Such persons have the right to a hearing, which shall be granted within ten (10) days of the Fire Marshal’s office providing the fine notification. After the hearing the State Fire Marshal shall issue an order containing proposed findings of fact which shall be presented to the State Fire Marshal Commission at the next scheduled meeting at

least ten (10) business days after the issuance of the order. The Commission may amend, adopt, or deny the Fire Marshal's recommendations. The Commission shall issue a final order containing findings of fact and conclusions of law and give notice to the parties involved. Any party aggrieved by the final order of the State Fire Marshal Commission may appeal to the district court of the county in which the property is located. This hearing process supersedes any hearing or appeal section in the building codes adopted by the Oklahoma Uniform Building Code Commission. Fine collections shall be deposited in the State Fire Marshal Revolving Fund created in Section 324.20b of this title.

The bill passed the House Public Safety Committee by a [vote](#) of 7 to 1. The bill moves to the full House.

Oklahoma Emergency Energy Availability Act of 2022: [SB 1410](#) by Sen. Zack Taylor (R-Seminole) and Rep. Garry Mize (R-Edmond) creates the Oklahoma Emergency Energy Availability Act of 2022. The bill requires, on or after the effective date of this act, that any agency, department, bureau, system of higher education, school district, township, or municipality that has an energy policy must develop an emergency energy plan detailing methods or sources of energy during a state of emergency. Such plans may not rely on energy from a single source and must develop policies for the acquisition of electrical power generated from at least three (3) distinct energy sources. It requires Oklahoma Department of Emergency Management to promulgate rules to effectuate this section of law.

The bill passed the House Energy and Natural Resources Committee by a [vote](#) of 12 to 0. The bill moves to the full 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 House Public Safety Committee by a [vote](#) of 8 to 0. The bill moves to the full House.

Open Records/Personal Information: [SB 1452](#) by Sen. Kay Floyd (D-OKC) and Rep. Carol Bush (R-Tulsa) amends the definition of "record" to mean any portion of any document of information provided an agency or entity of the state or a political subdivision to obtain

licensure under the laws of this state or a political subdivision that contains an applicant's personal address, personal phone number, personal electronic mail address, or other contact information. Provided, however, lists of persons licensed, the existence of a license of a person, or an address expressly stated to be a business or commercial address or other business or commercial information disclosable under state law submitted with an application for licensure shall be public record. Any portion of any record that contains the name or any other identifier of the occupants of any residential structure must be kept confidential. Public bodies that provide utility services to the public may keep confidential the personal information.

The bill passed the House General Government Committee as [amended](#) by a [vote](#) of 9 to 0. The bill moves to the full House.

Oklahoma Air Service Development Grant Program: [SB 1461](#) by Sen. Paul Rosino (R-OKC) and Rep. Jon Echols (R-OKC) creates the Oklahoma Air Service Development Grant Program to offer one-time financial assistance through a grant to public or private entities for minimum revenue guarantees for specific new routes, marketing and advertising of service, market study and research projects to develop data for a business case for a new service, start-up cost offsets and other innovative risk sharing models to support the introduction of new airline service in the state. There are parameters set for the merit qualifications for grantees as well as information that must be provided in each grant application. The bill also creates a grant review and contracting process under the Oklahoma Aeronautics Commission with funds deposited in the Oklahoma Air Service Development Grant Program Revolving Fund.

The bill passed the House A&B Committee by a [vote](#) of 25 to 0. The bill moves to the full House.

9/11 Freedom Flag: [SB 1466](#) by Sen. Dave Rader (R-Tulsa) and Rep. Daniel Pae (R-Lawton) authorizes the 9/11 Freedom Flag to be flown on flagpoles throughout the state in remembrance of the terrorist attacks on September 11, 2001.

The bill passed the House Judiciary - Criminal Committee by a [vote](#) of 10 to 0. The bill moves to the full House.

Sales Tax/Trade-in Vehicles: [SB 1486](#) by Sen. Darcy Jech (R-Kingfisher) and Rep. Carl Newton (R-Woodward) requires gross receipts to be calculated for a purchased vehicle to be based only on the difference between the

value of the trade-in vehicle and the actual sales price of the vehicle being purchased.

The bill passed the House A&B Committee with the title and enacting clause stricken by a [vote](#) of 19 to 6. The bill moves to the full House.

Sales Tax Exemptions/Nonprofit Women's Veterans Organization: [SB 1496](#) by Sen. Brenda Stanley (R-Midwest City) and Rep. Nicole Miller (R-Edmond) creates a new sales tax exemption for women's veteran's organizations from the sale of tangible property or services.

The bill passed the House A&B Committee with the title restored by a [vote](#) of 24 to 0. The bill moves to the full 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 House A&B - Health Committee by a [vote](#) of 5 to 0. The bill moves to the House A&B Committee.

OMPA: [SB 1529](#) by Sen. James Leewright (R-Bristow) and Rep. Mike Dobrinski (R-Okeene) modifies the term limit of Oklahoma Municipal Power Authority members by providing that such terms will expire at the adjournment of the annual meeting of the Board of Directors held at the expiration of the Director's term of office. The bill modifies the definition of "project" by striking language excluding any interest in any plant for

the generation of electrical energy which is to be owned jointly with any investor-owned utility. The bill shifts the authority to borrow money from the State Bond Advisor to the Deputy Treasurer for Debt Management. The bill strikes the prohibition on the Authority from selling to certain municipalities not qualifying as an eligible public agency.

The bill passed the House Energy and Natural Resources Committee by a [vote](#) of 12 to 0. The bill moves to the full House.

Red River Boundary Commission: [SB 1546](#) by Sen. Pro Tempore Greg Treat (R-OKC) and Speaker Charles McCall (R-Atoka) extends the timeline for the final report from the Red River Boundary Commission to January 15, 2023.

The bill passed the House Rules Committee by a [vote](#) of 7 to 1. The bill moves to the full House.

Drug Court Program: [SB 1548](#) by Sen. Roger Thompson (R-Okemah) and Speaker Pro Tempore Kyle Hilbert (R-Dewey) 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 House Judiciary - Criminal Committee with the title and enacting clause stricken by a [vote](#) of 10 to 0. The bill moves to the full House.

Election Fraud/Investigation: [SB 1637](#) by Sen. John Haste (R-Broken Arrow) and Rep. Mark Lepak (R-Claremore) requires notification of certain potential election fraud to the Attorney General. If the AG declines to investigate, the AG shall submit the notification from the county election board to the district attorney for that county. The district attorney, or a member of law enforcement designated by the district attorney shall then investigate any possible criminal violation of the law related to the absentee ballot requests. The AG shall submit the notification and documentation within thirty (30) days of receipt of the district attorney for the county or counties involved.

The bill passed the House Elections & Ethics Committee by a [vote](#) of 4 to 2. The bill moves to the full 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 House A&B – Revenue and Taxation Subcommittee by a [vote](#) of 8 to 0. The bill moves to the House A&B Committee.

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 House Criminal Justice & Corrections Committee by a [vote](#) of 5 to 0. The bill moves to the full 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 be 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 House Energy and Natural Resources Committee with the title restored by a [vote](#) of 11 to 0. The bill moves to the full House.

Security Guards/Firearms: [SB 1839](#) by Sen. James Leewright (R-Bristow) and Speaker Pro Tempore Kyle Hilbert (R-Depew) authorizes an armed security guard to carry any long gun or handgun during the performance of his or her duties; provided, the armed security guard has met CLEET qualifications:

The bill passed the House Public Safety Committee by a [vote](#) of 8 to 2. The bill moves to the full House.

Next Week at the Capitol

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

Monday, April 11, 2022

**Senate Agriculture & Wildlife Committee
10:00 a.m. in Room 535**

Agricultural Structures and Equipment/Unincorporated Areas: [HB 1512](#) by Rep. Dell Kerbs (R-Shawnee) and Sen. Roland Pederson (R-Burlington) Except as otherwise provided by law as of the effective date of this act, standards for erection, installation, and use of structures and equipment used for care and handling of livestock, poultry facilities, and planting of agricultural crops, except medical marijuana, shall only be subject to regulation by the Oklahoma Department of Agriculture, Food, and Forestry. This subsection shall only apply to all entities who purport to regulate the erection, installation, and use of structures and equipment for care and handling of livestock, poultry, and planting of agricultural crops, except medical marijuana, in unincorporated areas.

Environment/Poultry Feeding Operations/Nutrient Management: [HB 2983](#) by Rep. David Hardin (R-Stilwell) and Sen. Casey Mudock (R-Felt) requires every poultry feeding operation to meet standards set by administrative rules, rather than standards set by the USDA Department of Natural Resources Conservation Service, and directs the Oklahoma Department of Agriculture, Food and Forestry to promulgate emergency rules for land application of poultry waste.

Healthy Soil Program Act: [HB 4412](#) by Rep. Dick Lowe (R-Amber) and Sen. Roland Pederson (R-Burlington) creates the Healthy Soil Program Act to promote and support farming and ranching systems that increase soil organic matter, aggregate stability, microbiology and water retention. The bill establishes the Healthy Soil Program to be administered by the Oklahoma Conservation Commission.

Senate Retirement & Insurance Committee
10:00 a.m. in Room 4s9

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.

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

Pensions/Fire Chiefs: [SB 897](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Brad Boles (R-Marlow) amends the Firefighter Pension System by adding language to 11 O.S. Section 29-102 which makes several changes impacting fire chiefs. The pension definition of "member" is altered, with an exception, by removing current language requiring that a fire chief shall meet the age, agility, physical and other eligibility requirements at the time he/she becomes a member of the System. Also, Section 11 O.S. Section 49-135 is amended by creating an exception for persons employed as a fire chief pursuant to 11 O.S. Section 29-102.

Wednesday, April 13, 2022

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

Law Enforcement/Obscene Material: [SB 9](#) by Sen. Rob Standridge (R-Norman) and Rep. Justin Humphrey (R-Lane) sets the standard for obscenity applied in subparagraphs b and c of this section of law to not apply when an adult knowingly provides material that qualifies as obscene, as defined in this section, to a minor.

Law Enforcement/Statute of Limitations: [SB 974](#) by Sen. Darrell Weaver (R-Moore) and Rep. Daniel Pae (R-Lawton) specifies that "discovery" means the date that a physical or sexually related crime involving a victim eighteen (18) years of age or older is reported to a law enforcement agency. No prosecution shall be based on the memory of the victim that has been recovered through psychotherapy unless there is some evidence independent of such repressed memory. Anyone that knowingly and willfully makes a false claim to be referred to local law enforcement for investigation and, upon conviction, being guilty of a felony. Prosecution for the crimes of human trafficking to be prosecuted within three (3) years after discovery of the crime. For purposes of this subsection, "discovery" means the date upon which the crime is reported to a law enforcement agency.

Courts/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.

Court Fines and Fees: [SB 1532](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. John Talley (R-Stillwater) directs the courts to waive all fines and fees including any payments made prior to the effective date of this act. On or after November 1, 2022, the court shall waive all outstanding fines, court costs, and fees in a criminal case for any person who has made installment payments on outstanding fines, costs, fees, and restitution ordered by the court on a timely basis for forty-eight (48) months in the previous sixty-month (60) period including any payments made prior to the effective date of this act. To be eligible for a waiver, the person shall have complied

with all probation or supervision requirements ordered by the court. On or after November 1, 2022, the court shall waive all outstanding district court or municipal court fines, court costs and fees in a criminal case for any person who has made installment payments.

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.