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TOBACCO BILL SEEKS TO EXTINGUISH CITIES AUTHORITY

HB 3315 by Rep. Cynthia Roe (R-Lindsay) and Sen. Mark Allen would pre-empt cities and towns from enacting, and municipal police officers from enforcing ordinances prohibiting and penalizing the purchase or possession of tobacco, nicotine, or vapor products for persons under the age of twenty-one (21). This bill also 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 passed the Senate on Tuesday by a [vote](#) of 37 to 6. The bill goes back to the House to accept or reject the Senate amendments.

DEADLINE LOOMING WITH OML PRIORITIES ON DECK

Next Thursday marks the deadline for bills to be heard in the opposite chamber. OML's priorities are on deck to be heard. Those priorities are as follows:

SB 970 by Sen. Kay Floyd (D-OKC) and Rep. Tammy Townley (R-Ardmore) 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. Public bodies that provide utility services to the public may keep confidential the personal information. There are two amendments that have been filed and waiting to be addressed.

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.

SB1367 by Sen. Lonnie Paxton (R-Tuttle) and Rep. David Hardin (R-Stilwell) creates a penalty for diversion of medical marijuana. 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 of Four Hundred Dollars (\$400.00). After a second offense the individual is subject to an administrative fine of One Thousand Dollars (\$1,000.00) or a higher amount and shall result in the revocation of the license or licenses of the person.

BILLS SIGNED BY GOVERNOR STITT

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 goes into effect on November 1, 2022.

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 goes into effect on November 1, 2022.

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 goes into effect on November 1, 2022.

Open Records/Law Enforcement Recordings: [SB 968](#) by Sen. John Haste (R-Broken Arrow) and Rep. Sheila Dills (R-Tulsa) amends 51 O.S. Section 24A.8 impacting access to law enforcement audio or video recordings that depicts death of a law enforcement officer acting in the course of his/her official duties including any related acts or events immediately preceding or after the acts causing or related to the death. The video may be released if the court finds that the public interest or the interest of an individual outweighs the reason for denial. Family members of the deceased officer may view the audio or video of the officer's death. Nothing shall prohibit prosecutors and defense attorneys from access to such audio or video recordings or the use of such videos in a legal proceeding.

The bill takes effect 90 days after Sine Die.

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 goes into effect on November 1, 2022.

BILLS MOVED TO GOVERNOR STITT'S DESK

Firearms/Transporting: [HB 3070](#) by Rep. Robert Manger (R-OKC) and Sen. Chuck Hall (R-Perry) clarifies the scope of transporting a firearm in the vehicle.

The bill passed the Senate on Wednesday by a [vote](#) of 41 to 2.

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 on Wednesday by a [vote](#) of 41 to 0.

Regulated Utilities/Disclosure of Costs: [HB 3150](#) by Rep. Kevin West (R-Moore) and Sen. Shane Jett (R-Shawnee) requires regulated utility entities doing business in this state and subject to the February 2021 Regulated Utility Consumer Protection Act, the Oklahoma Corporation Commission shall make available through posting to its public website, a report on any audits or true-ups performed under Section 9074 and 9078 of Title 47. The report shall include but not be limited to, the total amount and the annual interest rate on the securitization bond, the total annual interest expense paid, total interest expense paid to date, total annual revenue collected per the utility tariff, total revenue collected to date per the utility tariff, remaining repayment term and outstanding principal balance, and any other information the Oklahoma Corporation Commission deems necessary.

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

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

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

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 House on Wednesday by a [vote](#) of 85 to 0.

Oklahoma Municipal Power Authority: [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 on Wednesday by a [vote](#) of 86 to 4.

Oklahoma Law Enforcement Retirement System: [SB 1589](#) by Sen. Darrell Weaver (R-Moore) and Rep. Preston Stinson (R-Edmond) provides that expected administrative expenses shall be included in the calculation. Additionally, the payment required to amortize the fund shall include amortization schedule recommended by the actuary and adopted by the Board.

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

BILLS ON THE MOVE

We are nearing the end of the Legislative Session. As bills return to their Chamber of Origin, the author will either move to accept or reject amendments. If the amendments are accepted, the House or Senate will vote for final passage of the bill, and then the bill goes to the Governor for his signature or veto. If the amendments are rejected, they will go to Conference Committee where the bills will receive further discussion

Here is a snapshot of bills impacting cities and towns.

Municipal Road Drilling Activity Revolving Fund: [HB 3037](#) by Rep. Brad Boles (R-Marlow) and Sen. Mark Allen (R-Spiro) creates the Municipal Road Drilling Activity Revolving Fund. For the fiscal year ending June 30, 2023, and for each fiscal year thereafter, there shall be apportioned Five Million Dollars (\$5,000,000.00) to the Municipal Road Drilling Activity Revolving Fund for use by municipalities to repair roads as prescribed pursuant to the requirements of Section 2 of this act. The monies in

the Municipal Road Drilling Activity Revolving Fund shall be allocated by ODOT only to municipalities having a population of less than fifteen thousand (15,000) persons or most recent population estimate to repair damage to municipal roads caused by or reasonably caused by increased use of such roads resulting from oil or gas drilling activity. A municipality seeking funds must make the initial application to ODOT no later than May 1, 2023. A municipality is required to provide twenty-five percent (25%) of the total project costs to be eligible for the funds.

The bill passed the Senate on Wednesday with the title and enacting clause restored by a [vote](#) of 41 to 2. The bill will go back to the House to accept or reject the Senate amendments.

Law Enforcement/Reports of Convictions: [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 on Tuesday by a [vote](#) of 44 to 1. The bill will go back to the House to accept or reject the Senate amendments.

Law Enforcement/Protection from Domestic Abuse Act: [HB 4374](#) by Rep. Ross Ford (R-Broken Arrow) creates the Stephen Bernius Memorial Act. It expands the scope of "domestic abuse" as defined under the Protection from Domestic Abuse Act. It modifies the definition of "family or household members" to include persons not related by blood or marriage living in the same household. It defines "living in the same household" as a person who regularly resides in the same, single dwelling unit, persons who resided in the same single-dwelling unit within the past year, or persons who individual lease agreements whereby each person has his or her own private bedroom and shares the common areas.

The bill passed the Senate on Wednesday by a [vote](#) of 43 to 0. The bill will go back to the House to accept or reject the Senate amendments.

Police Pensions/Disability: [SB 743](#) by Sen. Darrell Weaver (R-Moore) and Rep. Anthony Moore (R-Clinton) modifies the definition of permanent in-line disability as used in the Oklahoma Police Pension and Retirement System to mean when a police officer serving in any capacity at a regular police department of a participating municipality becomes so physically or mentally disabled, as determined by an independent medical examiner, psychiatrist or psychologist selected by the State Board, while in, and in consequence of, the performance of authorizing activities while on duty as an officer that he or she is unable to perform the required duties of a police officer. The bill modifies the normal disability benefit for members with a permanent in-line disability to be the greater of two and one-half percent (2.5%) of the member's final average salary multiplied by the years of credited service of the member, not to exceed thirty (30) years, if the officer has more than twenty (20) years of credited service. The bill also modifies the benefit for members who have a permanent and partial disability from any cause and have completed 10 years of services on the basis of the following: • 1% to 49% impaired = 50% of accrued retirement benefit; • 50% to 74% impaired = 75% of accrued retirement benefit; and • 75% to 99% impaired: 100% of accrued retirement benefit.

The bill passed the House on Wednesday by a [vote](#) of 73 to 0. The bill will go back to the Senate to accept or reject the House amendments.

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 on Wednesday by a [vote](#) of 82 to 0. The bill will go back to the Senate to accept or reject the House amendments.

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 the Oklahoma Women's Veterans Organization from the sale of tangible property or services.

The bill passed the House on Tuesday by a [vote](#) of 76 to 0. The bill will go back to the Senate to accept or reject the House amendments.

Medical Marijuana/Water Sources: [SB 1693](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Josh West (R-Grove) requires a commercial grower and a processor applicant or licensee, prior to engaging in a commercial growing or processing operation, either: 1) acquire a water use permit from OWRB if the commercial growing or processor 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 or processing operation uses rural or municipal water and register the statement with OMMA. Upon failure of a commercial grower or processor 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 grower or processor license.

The bill passed the House on Wednesday by a [vote](#) of 82 to 1. The bill will go back to the House to accept or reject Senate amendments.

Medical Marijuana Growing Operations/Bonds: [SB 1697](#) by Sen. Darcy Jech (R-Kingfisher) and Rep. Anthony Moore (R-Clinton) requires all applicants for a medical marijuana business license seeking to operate a commercial grow to file along with their application a bond. It makes it unlawful for any holder of a medical marijuana business license to engage in any commercial growing operations in this state without acquiring a bond. The bond shall cover the area of land within the permit area upon which the business licensee will initiate

and conduct commercial growing operations. The applicant is required to file with OMMA a bond in the amount of no less than Twenty-five Thousand Dollars (\$25,000.00) for each license sought or held, with a surety company qualified to do business in this state.

The bill passed the House on Wednesday by a [vote](#) of 89 to 2. The bill goes back to the Senate to accept or reject the House amendments.