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2023 LEGISLATIVE SESSION AROUND THE CORNER

Welcome to the first issue of the Oklahoma Municipal League's 2023 weekly Legislative Advocate. The Advocate is intended to give you a brief look at important issues facing cities and towns during the legislative process. With nearly 3,100 bills filed in the Oklahoma Legislature this year this session looks to be one of significant interest to municipal governments. There are proposals to remove the state's portion of sales tax on groceries, numerous proposals on guns and grass aka medical marijuana, preemption measures, and tax policy.

Governor Kevin Stitt will unveil his proposals for the upcoming legislative session in his 2023 State of the State address Monday, Feb. 6th.

Your OML Governmental Affairs team has combed through each piece of legislation filed and we are working diligently to contact legislators and advocate municipal priorities on these bills. We will continue to provide updates in the OML Advocate each Friday throughout the session. If you have questions at any time, please contact our office. Please pass along any concerns, ideas, or correspondence about legislation you have to Daniel McClure, OML General Counsel and Director of Governmental Affairs at Daniel@oml.org, or 405-528-7515.

Grocery Sales Tax Proposals on Both Sides of the Aisle

The effort to remove the state portion of sales tax on groceries has appeared again in three bills in the House. OML will continue to work with the Legislature to make sure the municipal revenue stream is not impacted. Speaker Charles McCall (R-Atoka) has introduced [HB 1955](#) that requires on or after the effective date of this act, an excise tax to be zero percent (0%) imposed upon all retail sales of food and food ingredients sold for human consumption off the premises where sold. Any sales tax or excise levied by a city, town, county, or any other jurisdiction in this state 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 items.

OML'S PRIORITIES

On or after the effective date of this act, until June 30, 2025, a county or a municipality that submits the question of a sales tax or excise tax to its voters shall provide that the increased rate does not apply to "food and food ingredients" as term is defined in Section 1352 of Title 68 of the Oklahoma Statutes. OTC must promulgate any necessary rules to implement the provisions of this section in accordance with the Streamlined Sales and Use Tax Agreement.

[HB 1444](#) by Rep. Melissa Provenzano (D-Tulsa) imposes an excise tax upon all retail sales of food and food ingredients sold for human consumption off the premises where sold as follows: 1) beginning July 1, 2023, until June 30, 2024, a rate of three and five-tenths percent (3.5%); and 2) beginning July 1, 2024, and for all subsequent periods, a rate of one and five-tenths percent (1.5%). Any sales tax or excise tax levied by a city, town, county, or any other jurisdiction in this state 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. OTC must promulgate rules to implement the provisions of this section in accordance with the Streamlined Sales and Use Tax Agreement.

[HB 2086](#) by Rep. Jon Echols (R-OKC) on or after the effective date of this act until the period ending June 30, 2027, an excise tax of zero percent (0%) is imposed upon all retail sales of food and food ingredients sold for human consumption off the premises where sold. Any sales tax or excise tax levied by a city, town, county, or any other jurisdiction in this state 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 items. OTC must promulgate any necessary rules to implement the provisions of the Streamlined Sales and Use Tax Agreement.

[HB 2165](#) by Rep. Cynthia Roe (R-Lindsay) and [SB 215](#) by Sen. Jessica Garvin(R-Duncan) - Legislation was enacted in the 2022 Legislative Session that eliminated municipal enforcement and ordinances related to underage tobacco use and possession. This bill returns authority to municipalities to enact and enforce ordinances related to tobacco and vape but limit the penalties to that desired by the 58th Legislature.

[HB 1051](#) by Rep. Mark Lawson(R-Sapulpa) - Requires utilities working in the public right of way of any highway or road to be required to place on file with that jurisdiction a map or GIS file that describes the asset and the approximate location to assist with planning and avoid major utility conflict and disruption of services. This would allow for a limit of liability for the utility. This information shall also be exempted from the Oklahoma Open Records Act.

[HB 2361](#) by Rep. Brad Boles (R-Marlow) - Creates a process to prevent the removal of municipal liens on nuisance property by implementing a reserve on the property in a sheriff's sale equal to the amount of the tax liability and abatement liens.

[HB 2108](#) by Rep. Daniel Pae (R-Lawton) and [SB 761](#) by Sen. Brent Howard (R-Altus) - Open Meetings Act - allow members of a public body to participate in public meetings via videoconferencing or teleconferencing if they only participate electronically in less than half of the regularly scheduled meetings of the public body unless there is a declared state of emergency.

Support amending Title 27, Section 12 of the Oklahoma State Statutes that places a claim cap on fees to not exceed more than 25% of the judgement on the municipality and any interest due for the owner that shall accumulate at 3% per year, not compounded, and shall only accrue when the owner has a written opinion or order from the court finding the owner has been successful with their action.

[SB 495](#) by Sen. Greg McCortney (R-Ardmore) - Prohibits the Legislature, state agency, department, or commission from implementing any mandate to any political subdivision unless a specific

appropriation is made to fully fund the political subdivision for all costs related to the mandate. If no appropriation is made to the political subdivisions, the mandate shall be considered an unfunded mandate and unenforceable.

[SJR 12](#) by Sen. Greg McCortney (R-Ardmore) - Sends to a vote of the people a Constitutional Amendment that prohibits the Legislature, state agency, department, or commission from implementing any unfunded mandates to any political subdivision of this state.

[SJR 11](#) by Sen. Bill Coleman (R-Ponca City)- Sends to a vote of the people a Constitutional Amendment that requires the Sex Offender Registration laws be standardized, regardless of conviction date.

[SB 1061](#) (Senator Darrell Weaver) - Amends state law created by SQ 780 and 781 to close the loophole currently being exploited that continues to allow drug abuse to damage communities. This would provide an incentive for serial offenders to seek treatment through drug court.

[HB 2230](#) by Rep. Ross Ford (R-Broken Arrow) - Modifies scrap dealer laws so that any item on the restricted list would not be eligible for cash payment. These payments would be made only by check 15 days after the sale and after providing proof of identity.

[HB 2136](#) by Rep. Kevin McDugle (R-Broken Arrow) - Authorize municipal governments to grant certain employees or public officials of the municipal government or municipal public trust or authority, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and 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 would still not be allowed in firearm-prohibited locations. Would allow municipalities to allow firearms in certain places for the general public.

[HB 2590](#) by Rep. Justin Humphrey (R-Lane) - Require a firearm that is not held in the hand but rather is carried on a shoulder sling with the firearm located on the back behind the shoulder in a general

vertical position where the barrel of the firearm is safely pointed in an up or down direction. The provisions shall not apply while lawfully at a gun range, hunting, during an act of self-defense, or otherwise during lawful use of the firearm.

[HB 2234](#) by Rep. Ross Ford (R-Broken Arrow) - Eliminates sales tax fraud by renewing sale for resale tax exemptions annually rather than the current three-year schedule. This will remove closed businesses and those who are no longer eligible from exemption rolls.

Support options to allow municipalities to diversify municipal funding.

ADVOCATING FOR YOUR COMMUNITY

This year, several bills have been filed that will have a negative impact on our members, which means we need YOU more than ever. Here are a few tips to help you help us.

Stay vigilant, stay informed. Let OML be your clearing house for legislative information and news. OML sends out many GRIP Alerts to our members to let you know when a pressing issue needs your attention. Pay attention to these emails, as we send them for your benefit. You can also read any version of any bill on the Legislature's website at oklegislature.gov.

Be active. If you can't be at the Capitol, call, text, and email your legislators. They want to hear from you!

Act swiftly. Often times, bills heard in committee or on the floor can come and go very quickly. This means that you have a small window to communicate with your legislators. Same day action is paramount.

Send us your comments. Is a particular issue or bill important to your community? Tell us about it. We also frequently send out bills and ask for comments from you for guidance. These comments remain completely inhouse, so don't be afraid to speak up. Your words are safe with us!

Build a coalition. Never has the phrase "strength in numbers" been more relevant. Discuss these issues with community leaders and surrounding

municipalities. Collaboration is invaluable in the legislative process.

Build a relationship with your legislators.

Legislators appreciate hearing from their constituents back home. They're also usually happy to give their phone numbers and email addresses out to remain in contact with you.

Say THANK YOU! This one is a no brainer. Never underestimate the power of saying thank you.

FUTURE ISSUES

Look for the Legislative Advocate to highlight bills that impact your municipalities. We will also highlight some positive developments from the Capitol including bills that we are lobbying on behalf of individual members. Cities and towns either win or lose together at the State Capitol since it takes a majority of legislators from all over the state—whether urban or rural, democrat or republican—to carry the day. The number-one ingredient for success at the legislature and state agencies is a united collective municipal voice.