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### OML Priorities Pass First Hurdle

The Legislature was very active this week running hundreds of bills through committees with OML's priorities making it through the first hurdle.

**Certificate of Needs:** [HB 2360](#) by Rep. Brad Boles (R-Marlow) requires each provider of telecommunications services, to obtain a Certificate of Convenience and Necessity and attest that it will comply with all applicable rules and orders of the Corporation Commission, federal, state and local government laws. In addition, the applicant shall provide notice by mail or electronic mail of such application or application for an expanded service territory to municipalities, cities and towns located within the initial or expanded service territory requested in its application that have registered with the Public Utility Division of the Oklahoma Corporation Commission for receipt of notice.

The bill passed the House Utilities Committee on Thursday by a [vote](#) of 10 to 0.

**Abandoned Property/Liens:** [HB 2361](#) by Rep. Brad Boles (R-Marlow) and Sen. Jessica Garvin (R-Duncan) requires there to be a reserve minimum bid placed in an amount covering all taxes, abatement costs, penalties, interest, costs due to a municipality if the right to exercise the reserve minimum bid is noticed to the county treasurer. However, the property must be bid off in the name of the municipality if demand is made in writing by a municipality which has outstanding liens upon the property. In cases of nuisance property, the county treasurer shall have discretion not to bid off the property, unless the demand is made in writing by a municipality which has outstanding liens upon the property. Nuisance property definition is expanded to add property in which abatement liens have been placed upon the property by a municipality in excess of twenty-five percent (25%) of the property's fair market value as shown by the county assessor's office.

The bill passed the House County & Municipal Government Committee on Monday by a [vote](#) of 8 to 0.

**Unfunded Mandates:** [SB 495](#) by Sen. Greg McCortney (R-Ada) and Rep. Dick Lowe (R-Amber) 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. Any financial impact of any size determined to exist by the political subdivision shall be sufficient to deem an unfunded mandate. Financial increases related to clerical work, office supplies and creating and submitting reports are exempt from this act.

The bill passed the Senate General Government Committee by a [vote](#) of 11 to 0. The bill moves to the Senate Appropriations Committee.

## BILLS ON THE MOVE

### *Snapshot of bills impacting cities and towns*

**Right-to-Garden:** [HB 1008](#) by Rep. Rick West (R-Heavner) and Sen. George Burns (R-Pollard) allows an individual the right to engage in growing their own vegetables in a garden on their personal property for personal consumption, subject to restrictions rationally related to a governmental purpose. A municipality, city or town is not prohibited from enacting content-neutral ordinances or regulations that address the following: limiting the size and proximity of gardens to roadways, structures, or other locations that impact health and safety; or the enforcement of constitutional and lawful ordinances adopted by municipalities that are in conformity with general powers that do not specifically ban gardening, including, but not limited to, regulations and ordinances related to water usage during drought conditions, fertilizer use, or control of invasive species.

The bill passed the House Agriculture Committee on Tuesday by a [vote](#) of 11 to 2.

**Law Enforcement/Resident Aliens:** [HB 1026](#) by Rep. Rick West (R-Heavner) modifies who can be certified as a peace officer by prohibiting a

permanent resident alien; provided, however, any person who has been trained and certified by CLEET and is actively employed as a full-time peace officer as of November 1, 2023, is not subject to the provisions of this subsection.

The bill passed the House Criminal Justice & Corrections Committee on Wednesday by a [vote](#) of 5 to 1.

**Sales Tax Exemption/Broadband Equipment:** [HB 1130](#) by Rep. Scott Fetgatter (R-Okmulgee) allows a sales tax exemption for qualifying broadband equipment to remain operational without the enactment of an incentive award formula. The bill removes the formula for the exemption as well as moving the enforcement to the Oklahoma Broadband Office.

The bill passed the House Rules Committee on Tuesday by a [vote](#) of 9 to 0.

**First Responders Job Protection Act/Drug Tests/Exposure:** [HB 1408](#) by Rep. Bob Ed Culver (R-Tahlequah) creates the First Responders Job Protection Act. It requires the first responder or volunteer first responder subject to drug testing to verbally report to the first responder's agency or private employer prior to testing, any specific known potential passive exposure to any controlled dangerous drug that has occurred in the previous fourteen (14) days while responding to an emergency. In the event of a positive test, the medical review officer shall provide documentation of the verbal report and a subsequent written report provided by the responding agency in order to rule out passive exposure.

The bill passed the House Criminal Justice & Corrections Committee on Wednesday by a [vote](#) of 5 to 1.

**Law Enforcement/Shooting into Building for Public or Business Purposes:** [HB 1612](#) by Rep. Rande Worthen (R-Lawton) adds shooting into a dwelling or a building used for public or business purposes, as provided for in Section 1289.17A of this title or any attempt, conspiracy, or solicitation thereof to the required sentence of eighty-five percent of imprisonment.

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The bill passed the House Judiciary – Criminal Committee on Wednesday by a [vote](#) of 6 to 0.

**Sales Tax Exemption/Commercial Digital Asset Mining:** [HB 1600](#) by Rep. Ryan Martinez (R-Edmond) creates the Commercial Digital Asset Mining Act of 2023. Beginning on the effective date of this act and ending on December 31, 2038, the sale of machinery and equipment including but not limited to servers and computers, racks, power distribution units, cabling, switchgear, transformers, substations, software, network equipment, and electricity used for commercial mining of digital assets in a colocation facility shall be exempt from the tax imposed by Section 1350 et seq. of Title 68 of the Oklahoma Statutes.

The bill passed the House A&B Committee with the title stricken on Wednesday by a [vote](#) of 24 to 4.

**Law Enforcement/Larceny:** [HB 1613](#) by Rep. Rande Worthen (R-Lawton) modifies the penalties for larceny of merchandise from a retailer. It increases the imprisonment from thirty (30) days to one (1) year and a fine from Ten Dollars (\$10.00) to One Thousand Dollars (\$1,000.00) for the first conviction. For the second conviction, larceny of Five Hundred Dollars (\$500.00) or less, the person shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term of not less than one (1) year and by a fine of not less than One Thousand Dollars (\$1000.00); larceny of Five Hundred Dollars (\$500.00) or more and the person shall be guilty of a felony and custody in DOC for a term not to exceed three (3) years and a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00); or both.

The bill passed the House Judiciary – Criminal Committee on Wednesday by a [vote](#) of 6 to 0.

**Sales Tax Exemption/Nonprofit/Underprivileged Children:** [HB 1653](#) by Rep. Marcus McEntire (R-Duncan) adds a new sales tax exemption for a nonprofit who is authorized to conduct its activity for a period of at least seventy-five (75) years, the primary purpose of which is to provide Christmas gifts, including but not limited to toys, books and clothing, for the benefits of underprivileged children, from infants through grade twelve (12), by

fundraising, a significant amount of which is derived from the sales of tangible personal property using either purchased or donated items, but which includes donations from individuals and either for profit or nonprofit entities, monetary or in kind donations, and which performs such other functions as authorized by the laws governing its formation and its articles of organization and by-law.

The bill passed the House A&B Finance Subcommittee on Monday by a [vote](#) of 10 to 0. The bill moves to the House A&B Committee.

**Law Enforcement/Trespassing:** [HB 1737](#) by Rep. Tammy Townley (R-Ardmore) considers a person to be a trespasser and not a guest of a lodging establishment if the innkeeper informs a person that he or she is being ejected for a stated reason. If the person fails to vacate the lodging establishment after being told of his or her ejection, the person shall be removed from the lodging establishment by law enforcement for trespassing.

The bill passed the House Judiciary – Criminal Committee on Wednesday by a [vote](#) of 5 to 0.

**Tuition/Children of Peace Officers who Died in the Line of Duty:** [HB 1795](#) by Rep. Mike Osburn (R-Edmond) prohibits the Oklahoma State System of Higher Education from charging fees, room, and board to children of Oklahoma peace officers, firefighters, commissioned members of OLERS, and emergency medical technicians who have given their lives in the line of duty.

The bill passed the House A&B Education Subcommittee on Monday by a [vote](#) of 14 to 0. The bill moves to the House A&B Committee.

**Law Enforcement/Littering:** [HB 1891](#) by Rep. Josh Cantrell (R-Kingston) authorizes any peace officer of this state or any political subdivision of this state to issue a state traffic citation to any person committing a violation of Section 1205 of this title. Such state traffic citations shall be in an amount of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00). The fines collected from the payment of such state traffic citations shall not include court costs and shall be divided as follows: 1) one-half (1/2) to the reward fund created

pursuant to Section 1334 or Title 22 and 2) one-half (1/2) to be paid into the sheriff's service fee account for the county to be used for enforcement. In lieu of a fine, courts may assess payment into the reward fund for criminal violations of environmental statutes including but not limited to, Sections 2-5-116, 2-6-206, and 2-10-310 of Title 27A. Such payments shall not exceed the maximum possible criminal fine for such violation. The identity of an individual who reports a littering complaint to law enforcement shall remain anonymous. Disclosure of information and identities of informants shall be at the discretion of the district attorney and presiding judge.

The bill passed the House A&B Natural Resources Subcommittee on Monday by a [vote](#) of 6 to 1. The bill moves to the House A&B Committee.

**Law Enforcement/CLEET/Promissory Note:** [HB 1925](#) by Rep. Lonnie Sims (R-Jenks) authorizes a law enforcement agency previously approved by CLEET to conduct a basic law enforcement academy to require any person or peace officer to execute a promissory note for academy training expenses payable to the law enforcement agency conducting the training, whereby the person or peace officer promises to repay the note by remaining with the law enforcement agency in a position approved by the law enforcement agency for a period of time agreed upon and under terms and conditions agreeable to both parties, not to extend longer than four (4) years following graduation from the basic law enforcement academy.

The bill passed the House Public Safety Committee on Tuesday by a [vote](#) of 6 to 0.

**OWRB/Permit Fees:** [HB 1940](#) by Speaker Charles McCall (R-Atoka) requires OWRB to modify its rules to establish a flat fee for both regular and temporary permits. The fee may be the same for both regular and temporary permits. The permit fees shall not increase or decrease in proportion to the volume of water permitted or for any other reason.

The bill passed the House Rules Committee on Tuesday by a [vote](#) of 9 to 0.

**DEQ/Wastewater Treatment Plant Requirements:** [HB 1943](#) by Speaker Charles McCall (R-Atoka) exempts any new rules promulgated by DEQ to apply to the construction of a new wastewater treatment plant following the approval of an application for the construction of any new wastewater treatment plant by a municipality, county, or water district until after the expiration of a term of fifteen (15) years. Following the expiration, the operator shall be required to update the plant to conform with current DEQ rules to remain in compliance.

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

**County Sales Tax/Emergency Medical Services:** [HB 1967](#) by Rep. Carl Newton (R-Cherokee) authorizes any county to levy a sales tax of not to exceed one percent (1%) upon the gross proceeds or gross receipts derived from all sales or services in the county upon which a consumer's sales tax is levied. The proceeds will be used solely for the purpose of emergency medical services. The bill was amended in Committee to increase the vote to a sixty percent (60%) approval of the voters in the county.

The bill passed the House County & Municipal Government Committee on Monday by a [vote](#) of 8 to 0.

**Law Enforcement/Fentanyl/Drug Paraphernalia:** [HB 1987](#) by Rep. Mickey Dollens (D-OKC) modifies the definition of "drug paraphernalia" to add drug testing strips possessed by a person for purposes of determining the presence of fentanyl or fentanyl-related compound.

The bill passed the House Alcohol, Tobacco and Controlled Substances Committee on Wednesday by a [vote](#) of 7 to 0.

**Sales Tax Exemption/Manufacturing:** [HB 2033](#) by Rep. Chris Banning (R-Bixby) adds a sales tax exemption for sales of goods, wares, merchandise, tangible personal property, machinery, and equipment for use in a manufacturing operation for any manufacturer, engaged in manufacturing as defined in Section 1352 of this title.



The bill passed the House A&B Finance Subcommittee on Monday by a [vote](#) of 10 to 0. The bill moves to the House A&B Committee.

**Firearms/Pointing a Weapon:** [HB 2051](#) by Rep. David Hardin (R-Stilwell) modifies the penalties for pointing a weapon. If an individual is acting in self-defense or to home or business owners in defense of their private property, whether or not they possess a valid handgun license pursuant to the Oklahoma Self-Defense Act, cannot be punished of a crime. When it comes to felony pointing, it is lawful to point a firearm, knife or other deadly weapon at another person by a person who can legally own or possess a weapon, a person in the defensive display of a firearm or other deadly weapon, law enforcement authorities in the performance of their duties, armed security guards licensed by CLEET, members of the state and federal military in performance of their duties, any federal government law enforcement officer in the performance of any duty, or any person during the performance of a play on stage, while participating in a rodeo, or in a television program or project. It shall be unlawful for any person to willfully and without lawful cause point a firearm, knife or any other weapon, whether loaded or not, at any person or persons for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation, or for purposes of whimsy, humor or prank, or in anger or otherwise. The defensive display of a firearm or other deadly weapon by a person is justified when and to the extent a reasonable person believes that physical force is immediately necessary to protect himself, herself or another person against the use or attempted use of unlawful physical or deadly force by a person, premises owner or controller in self-defense, or in defense of real or private property, located on any premises, owned, rented, leased or occupied by permission of the premise owner or controller, whether or not a person is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and shall not be deemed a criminal act. The provisions of this subsection shall not apply to a person who: a) intentionally provokes another person to use or attempt to use lawful physical or deadly force; or b) uses a firearm during the commission of an

unlawful act involving force or violence. The bill defines "defensive display of a firearm" and "occupied premises".

The bill passed the House Public Safety Committee on Tuesday by a [vote](#) of 6 to 1.

**OWRB/Groundwater Permits:** [HB 2053](#) by Rep. David Hardin (R-Stilwell) provides that a party protesting the application based solely on the industry or entity to use the water is not an interested party when it comes to protesting the permit. Determination that waste will or will not occur by DEQ or the State Department of Agriculture, Food, and Forestry is solely within the respective agency's jurisdiction and may not be protested through OWRB's hearing on the application nor may an Oklahoma court order OWRB to hold a hearing over the determination of DEQ or Dept. of Agriculture. If the Board's final action to approve an application is appealed, the applicant may take and use groundwater as is set forth under the permit while any appeals are pending with the Board, in district court, or in the appellate courts. If all statutory requirements for groundwater permits are fulfilled and the Board approves the application, appeals seeking to prohibit the use of water based solely on the category of beneficial use, industry, or entity applying to use the water are considered to have no genuine issue as to any material fact and shall be dismissed pursuant to Section 2056 of Title 12 of the Oklahoma Statutes. Further, such claims shall be considered frivolous, and the court may impose sanctions against the appellant, the appellant's attorney, or both including requiring the appellant to reimburse the appellee for reasonable costs and expenses such as reasonable attorney fees and other expenses incurred as a result of the appeal.

The bill passed the House Agriculture Committee on Tuesday by a [vote](#) of 13 to 0.

**Firearms/Sportsman Hearing Protection Act:** [HB 2055](#) by Rep. David Hardin (R-Stilwell) creates the Sportsman Hearing Protection Act. The bill establishes that a firearm suppressor that is manufactured in Oklahoma is not subject to federal regulations. The suppressor must have "Made in Oklahoma" stamped on it. The bill prohibits any governmental entity, governing body, officer,

employee, sheriff, police department, municipal or district attorney from adopting any rule, order, ordinance, or policy regulating a firearm suppressor if it imposes a prohibition, restriction or regulation that does not exist in Oklahoma. A state entity is prohibited from receiving any grant funding if they adopt a rule, order, ordinance, or policy that enforcement federal law that conflicts with Oklahoma law. Any citizen is authorized to file a complaint with the Attorney General if they offer evidence that at rule, order, ordinance, or policy that enforces federal law relating to suppressors is enforced.

The bill passed the House Public Safety Committee on Tuesday by a [vote](#) of 6 to 1.

**Law Enforcement Agencies/Misconduct Reports:** [HB 2132](#) by Rep. John George (R-Newalla) provides guidelines when evaluating the credibility of a peace officer who is or will serve as a witness in a criminal proceeding unless the allegation of misconduct has been adjudicated as sustained. In a contested case, an administrative law judge appointed by the AG shall determine by a preponderance of the evidence whether the alleged misconduct that resulted in the peace officer being placed on the Brady/Giglio list or similar list of noncredible peace officers. The respondent in the hearing shall be the law enforcement agency that reported or alleged the misconduct by the peace officer. If a peace officer has been placed on the Brady/Giglio list due to a said allegation of misconduct and the administrative process addressing said allegation is still pending or has been appealed, the administrative law judge shall find in favor of the peace officer. If the administrative law judge finds the allegations of misconduct are not supported by a preponderance of the evidence, the law enforcement agency and attorney for the state may not rely on said allegations for any purpose. Any court that considers the credibility of a peace officer who has filed a petition with the AG, shall be provided a copy of the findings of fact and conclusions of law issued by the administrative law judge.

The bill passed the House Criminal Justice & Corrections Committee on Wednesday by a [vote](#) of 5 to 1.

**PERB/Unfair Labor Practices:** [HB 2134](#) by Rep. John George (R-Newalla) modifies the Public Employee Relations Board (PERB) allowing the Board to have the power to set an unfair labor practice matter for hearing, take evidence and decide the questions presented. When an employer or bargaining agent claims that an unfair labor practice has been committed by the other, it shall notify the other in writing, within six (6) months of the commission of the alleged practice. Within ten (10) days of such notification each party shall select and name one arbitrator and shall immediately thereafter notify each other in writing of the name and address of the person selected. The two arbitrators so selected and named shall, within five (5) days from and after the expiration of the ten (10) day period, agree upon and select a third arbitrator. If the arbitrators are unable to agree upon the selection of a third arbitrator, the bargaining agent and the corporate authorities shall request the Federal Mediation and Conciliation Service to provide a list of five arbitrators. The chairperson of the Arbitration Board shall schedule a hearing, take evidence, and render a decision based thereon. Decisions of the former PERB and of the National Relations Board may be considered persuasive on the issues presented. The provision for interest arbitration, consideration of alleged unfair labor practices, and for certification, decertification, election, or determination of the bargaining representative.

The bill passed the House Judiciary - Civil Committee on Thursday by a [vote](#) of 10 to 0.

**Municipal Road Construction/Fair Pay for Construction Act/Retainage:** [HB 2150](#) by Rep. Kevin West (R-Moore) adds municipal road construction to the list of exemptions of the Fair Pay for Construction Act. Effective November 1, 2023, any and all current retainage [on road contracts](#) shall be returned to the contractor.

The bill passed the House Rural Development Committee on Thursday by a [vote](#) of 10 to 0.

**Law Enforcement/Laser Safety Act:** [HB 2159](#) by Rep. Ross Ford (R-Broken Arrow) increases the penalties for any person who knowingly and maliciously projects a laser on or at a law

enforcement officer, upon conviction, from One Hundred Dollars (\$100.00) to Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period of not more than one (1) year, or by both such fine and imprisonment. For a second or subsequent conviction, the fine is increased to One Thousand Dollars (\$1,000.00) or imprisonment in DOC for a period no more than two (2) years or both. Anyone who knowingly aims a beam of a laser at an aircraft in flight or the flight path, upon conviction, guilty of a felony punishable by a fine of One Thousand Dollars (\$1,000.00) or by imprisonment in DOC no less than three (3) months nor more than two (2) years, or both. For second and subsequent violations, upon conviction, the felony is punishable of a fine no more than Five Thousand Dollars (\$5,000.00) or imprisonment no less than one (1) year no more than five (5) years or both.

The bill passed the House Judiciary – Criminal Committee on Wednesday by a [vote](#) of 5 to 0.

**Law Enforcement/Investigations of Officers:** [HB 2161](#) by Rep. Ross Ford (R-Broken Arrow) requires at least two-thirds (2/3) of the members, staff, employees or seats of any government committee, board, agency, department, office, or entity that investigates law enforcement officer misconduct, influences the conduct of or certifies law enforcement officer misconduct investigations, recommends disciplinary actions for law enforcement officer misconduct or imposes discipline for law enforcement officer misconduct must be law enforcement officers certified by the CLEET and who are of any rank and who are from the same department or agency as the law enforcement officer who is the subject of the investigation or disciplinary action. The Legislature find that setting and maintaining standards of professionalism and integrity of law enforcement officers in this state are of statewide concern.

The bill passed the House Public Safety Committee on Tuesday by a [vote](#) of 6 to 1.

**Eminent Domain:** [HB 2191](#) by Rep. Kevin West (R-Moore) prohibits the taking of private property or damaged by a condemning authority unless the taking or damage is necessary for public use and with just compensation. The public purpose or

public benefit of economic development, including an increase in tax base, tax revenues, employment, or general economic health, does not constitute a public use. Nothing in subsection A shall be construed to prohibit a taking of private property for public uses because the public use also provides ancillary economic benefits. The court shall strictly construe eminent domain statutes in favor of the property owner and against the condemning authority. A governmental body subordinate to the state may not exercise, create, extend, or expand a power of eminent domain in the absence of statutory authority. Additional procedures, remedies, or limitations that do not deny or diminish the substantive and procedural rights and protections of property owners under this section may be provided by other law, ordinance, or charter. The bill also provides definitions for abandoned property, blighted property, and public use.

The bill passed the House Judiciary – Civil Committee on Thursday by a [vote](#) of 10 to 0.

**Utilities/Exemption for Victims of Certain Crimes:** [HB 2242](#) by Sen. Mike Dobrinski (R-Kingfisher) a customer or applicant who has been determined to be a victim of domestic violence, stalking, or harassment by any of the following: 1) an existing protective order; 2) law enforcement personnel; or 3) a designated representative of a certified domestic violence shelter or certified domestic violence program shall be exempt from the public utility's initial credit and deposit requirements as established by the public utility.

Provided, notwithstanding other provisions of law, a municipally owned public utility shall waive any initial credit and deposit requirements for a customer or applicant that has been determined to be a victim of domestic violence, stalking, or harassment by any of the following: 1) an existing protective order; 2) law enforcement personnel; or 3) a designated representative of a certified domestic violence shelter or certified domestic violence program shall be exempt from the public utility's initial credit and deposit requirements as established by the public utility.

This determination shall be evidenced by submission of a certification letter to the utility. The



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municipality may accept the certification letter provided for in Section 1 of this act, or a certification letter on a form created by the municipality so long as the contents are substantially the same as the certification letter, as provided for in Section 1 of this act. The certification letter expires after ninety (90) days. The municipally owned public utility shall deem the certification letter and the contents thereof as confidential and exempt from disclosure, pursuant to subsection D of Section 24A.10 of Title 51 of the Oklahoma Statutes.

The bill passed the House Utilities Committee on Thursday by a [vote](#) of 9 to 0.

**TSET/Investments:** [HB 2254](#) by Rep. Ty Burns (R-Pawnee) requires the Tobacco Settlement Endowment Trust (TSET) to invest at least four percent (4%) of funds in venture capital entities as identified by the Oklahoma Department of Commerce.

The bill passed the House A&B Select Agencies Subcommittee on Monday by a [vote](#) of 4 to 1. The bill moves to the House A&B Committee.

**Tax Administration:** [HB 2289](#) by Rep. John Pfeiffer (R-Mulhall) and Sen. Dave Rader (R-Tulsa) requires an individual or sole proprietor who obtains a sales tax permit to be at least eighteen (18) years of age. A parent or legal guardian may apply for a permit on behalf of an individual or sole proprietor who is not at least eighteen (18) years of age, provided the parent or legal guardian will be considered the authorized user responsible for remitting state tax. The bill specifies that at least ten (10) days prior to the start of a special event, the organizer or promotor must submit a list of all vendors registered to attend the event. Each list must contain the vendor's name, address, telephone number, email address, and taxpayer identification number. If a vendor holds an Oklahoma sales tax permit, the permit numbers must also be included. The bill authorizes the county treasurer to notify OTC within thirty (30) days after the resale of any tract or lot of land and shall include in such notification all information necessary for the OTC to determine whether a tax lien exists on the subject property. Within sixty (60) days of receipt of the notification, OTC shall provide notice to the county treasurer of

any outstanding liabilities, including tax, penalty, and interest, attached to each tract or lot of land, regardless of whether a tax warrant has been filed. Upon timely notice of a liability from OTC, the county treasurer shall remit to OTC the amount of the outstanding tax liabilities or the excess proceeds, whichever is less. Any remaining proceeds shall be held in the separate fund for the record owner of such land.

The bill passed the House A&B Committee on Wednesday by a [vote](#) of 30 to 0. The bill moves to the House A&B Committee.

**Oklahoma Rural Highway Improvements for Safety Act:** [HB 2352](#) by Rep. Eddy Dempsey (R-Tahlequah) creates the Oklahoma Rural Highway Improvements for Safety Act. Effective November 1, 2023, ODOT shall implement a plan to add a minimum of two hundred fifty (250) lane miles of upgrades for rural two-lane highways with deficient shoulders to the eight-year Construction Work Plan (CWP) each year. The new projects shall be spread across all transportation districts and selected based on the factors of historic fatality rates, traffic counts, and connectivity rural communities. Areas experiencing traffic growth pattern over the past five (5) years have priority.

The bill passed the House Rural Development Committee on Thursday by a [vote](#) of 10 to 0.

**Workers' Compensation/PTSD/First Responders:** [HB 2398](#) by Rep. Neil Hays (R-Muskogee) amends Worker's Compensation in 85A O.S. Section 13 authorizing mental injury or illness as a compensable injury, without a physical injury, for a first responder who suffers post-traumatic stress disorder (PTSD) after responding to an emergency. The bill defines "first responder" as 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. The employer must provide reasonable and necessary medical treatment subject to the Fee Schedule for workers' compensation for a period not to exceed one (1) year, if it is determined the first responder has suffered PTSD not accompanied by a physical injury. The employer is not responsible for prescription medication more



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than Ten Thousand Dollars (\$10,000). The bill provides compensation if the first responder is temporarily unable to perform his job or any alternative work offered by the employer, the employer shall pay to maintain health insurance coverage.

The bill passed the House Judiciary - Civil Committee on Thursday by a [vote](#) of 10 to 0.

**EMS Personnel Licensure Interstate Compact:** [HB 2422](#) by Rep. Arturo Alonso (D-OKC) creates the Recognition of EMS Personnel Licensure Interstate Compact to protect the public through verification of competency and ensure accountability for patient care-related activities all state-licensed EMS personnel.

The bill passed the House Rural Development Committee on Thursday by a **vote** of 9 to 1.

**Oklahoma Uniform Building Code Commission (OUBCC):** [HB 2425](#) by Rep. Stan May (R-Broken Arrow) requires amendments or modifications to the currently adopted state codes shall be forwarded to OUBCC.

The bill passed the House Business & Commerce Committee on Wednesday by a [vote](#) of 9 to 0.

**Law Enforcement/Firearms/Use of Defensive Force:** [HB 2532](#) by Rep. JJ Humphrey (R-Lane) modifies the definition of "person" to mean every natural person, including peace officer when it comes to use defensive force when they knew or had reasonable belief that someone was attempting to enter into a dwelling, residence, occupied vehicle, place of business or worship for the purpose of committing a felony.

The bill passed the House Criminal Justice & Corrections Committee on Wednesday by a [vote](#) of 5 to 1.

**Preemption/Firearms/Civil Action:** [HB 2648](#) by Rep. Jay Steagall (R-Yukon) preempts the entire field of legislation in this state on firearms. When a person's rights pursuant to the protection of the preemption has been violated by any order, policy, ordinance, resolution or regulation promulgated or

enforced by any person, municipality, agency or other political subdivision of this state, the person violated has the right to bring action against the person, government employee if the government employee was acting beyond the scope of employment, municipality, agency or political subdivision jointly and severally for injunctive relief or monetary damages or both. A court may require the person, municipality, agency or political subdivision to pay reasonable expenses to the aggrieved party in a civil action filed pursuant to the provisions of subsection D of this section if: 1. The aggrieved party first provides written notice of the unlawful order, policy, ordinance, resolution or regulation by certified, first-class mail or service of process to the clerk of the municipality or to the designated agent of the municipality, agency or political subdivision and allows the person, municipality, agency or political subdivision ninety (90) days to rescind, repeal or otherwise abrogate the order, policy, ordinance, resolution or regulation; and 2. A court rules in favor of the aggrieved person whose rights were violated and the issue in controversy is governed by previously settled law.

If the person, municipality, agency or political subdivision fails to rescind, repeal or otherwise abrogate the unlawful order, policy, ordinance, resolution or regulation within ninety (90) days of required notice, as provided in paragraph 1 of this subsection and the order, policy, ordinance, resolution or regulation is subsequently rescinded, repealed or otherwise abrogated after the aggrieved party files suit, the aggrieved party shall retain standing in the suit and may recover damages or reasonable expenses.

The bill passed the House States' Powers Committee on Wednesday by a **vote** of 6 to 2.

**Firearms/Caliber Restrictions:** [HB 2737](#) by Rep. Collin Duel (R-Guthrie) removes the caliber restriction from the Oklahoma Self-Defense Act.

The bill passed the House Public Safety Committee on Tuesday by a [vote](#) of 6 to 1.

**Municipal Franchise Agreements:** [HB 2857](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Grant Green (R-Wellston) allows a supplier that is or has been

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operating under a franchise granted by the voters of a municipality may continue to collect related voter approved franchise fees until such legal actions and uncertainties have been resolved, provided that during such period such collections shall be placed in escrow if legal actions have commenced or reasonable legal uncertainty exists related to the status of expiration, extension, or renewal of a franchise agreement.

The bill passed the House A&B Committee on Wednesday by a [vote](#) of 30 to 1.

**Youthful Offender Act:** [SB 77](#) by Sen. Brent Howard (R-Altus) and Rep. Anthony Moore (R-Clinton) modifies the issuance of a court order to pay certain fees permissive for a certification study upon a motion for imposition of an adult sentence.

The bill passed the Senate on Tuesday by a **vote** of 43 to 0. It now heads to the House.

**Open Records Act/Written Notice:** [SB 89](#) by Sen. Julia Kirt (D-OKC) provides that if a records request cannot be completed within ten (10) business days of the request, a person designated pursuant to paragraph 7 of this section shall provide written notice to the requestor indicating the reason for the delay and specifying a date within a reasonable time when the information requested will be available for inspection or duplication.

The bill passed the Senate Judiciary Committee on Tuesday by a [vote](#) of 10 to 2.

**Police Pension & Retirement System:** [SB 102](#) by Sen. Jessica Garvin (R-Duncan) increases the per year benefit multiplier from two percent (2.5%) to three percent (3.0%) for members of the Police Pension and Retirement System who retire or become disabled one (1) year after the effective date of this bill provided they have at least twenty-five (25) years of service; retire after two (2) years from the effective date provided they have at least twenty (20) Years of service; retire after five (5) years from the effective date. The employee participant contribution rate is increased from eight percent (8%) to nine percent (9%) of compensation on after the effective date of this act. The employer

(municipality's) contribution rate is increased from thirteen percent (13%) to fourteen percent (14%).

The bill has been referred to the Legislative Actuary.

**Law Enforcement/Students/Violent Crime:** [SB 126](#) by Sen. David Bullard (R-Durant) in the course of an arrest for a violent crime, it is discovered that the person being arrested is a student at a school district or public school in this state, the arresting law enforcement agency is required to notify the superintendent of the school district or public school in which the student is enrolled. The notification of the arrest and any information regarding the adjudication of the student shall be conducted with due regard for the provisions of subsection C of Section 2-6-102 of Title 10A and shall be kept as part of the student's permanent records and included in the records provided to a receiving district should a student transfer due to the Education Open Transfer Act. Beginning with the 2023-2024 school year, prior to enrollment of a student in a public school, the student's parent or legal guardian are required to notify the school if the student has been arrested for a violent crime.

The bill passed the Senate Education Committee with the title stricken on Tuesday by a [vote](#) of 10 to 2.

**OUBCC/Refrigerant:** [SB 168](#) by Sen. Bill Coleman (R-Ponca City) prohibits any building code, law, regulation, or other requirement in Oklahoma from prohibiting or otherwise limiting the use of a refrigerant designated as acceptable in accordance with 42 U.S.C. 7671K, provided, any equipment containing such refrigerant is listed and installed according to safety standards and use conditions.

The bill passed the Senate Business & Commerce Committee on Monday by a [vote](#) of 12 to 0.

**Medical Marijuana/MOU's for Equipment Usage:** [SB 239](#) by Sen. Jack Stewart (R-Yukon) allows municipalities, political subdivisions, and counties to enter into agreements or memoranda of understanding with state agencies which respond to search and seizure activities of marijuana to compensate municipalities, political subdivisions, or counties for the use of county or municipal

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equipment used during search and seizure events. The rate of reimbursement shall not be higher than the federal schedule rate for equipment usage.

The bill passed the Senate Business & Commerce Committee on Monday by a [vote](#) of 11 to 0.

**Judges/Drug Courts:** [SB 240](#) by Sen. Brent Howard (R-Altus) and Rep. Preston Stinson (R-Edmond) clarifies that when a district court establishes a drug court program, the judge presiding over the program shall cause to be established a drug court docket.

The bill passed the Senate on Tuesday by a **vote** of 45 to 0. It moves to the House.

**Sales Tax Exemption/Government & Nonprofit Entities:** [SB 310](#) by Sen. Adam Pugh (R-Edmond) amends adjustments to entity names included in sales tax exemption language for Girl Scouts, Camp Fire, and the American Alliance of Museums. The bill removes the maximum annual budget of less than One Million Dollars (\$1,000,000.00) and extends the credits for such museums from December 31, 2024 to 2027.

The bill passed the Senate Finance Committee with the title stricken on Monday by a [vote](#) of 10 to 3. The bill moves to the Senate Appropriations Committee.

**Sales Tax Exemption/Gold Star Mothers:** [SB 318](#) by Sen. Micheal Bergstrom (R-Adair) modifies the exemption for sales of tangible personal property to a service of organization of mothers who have children who are serving or who have served in the military. The bill removes the language stating the exemption does not apply to a city, town, county, or any other jurisdiction in this state.

The bill passed the Senate Appropriations Committee on Wednesday by a [vote](#) of 21 to 0.

**Election/Primary Dates:** [SB 375](#) by Sen. Brent Howard (R-Altus) modifies the primary election dates from the last Tuesday in June to the third Tuesday in June. Declarations of candidacy moves to the Second Monday in April to the succeeding Wednesday at 5:00 p.m.

The bill passed the Senate Judiciary Committee on Tuesday by a [vote](#) of 10 to 1.

**Sales Tax Exemption/Feminine Hygiene Products:** [SB 382](#) by Sen. Jessica Garvin (R-Duncan) and Rep. Cynthia Roe (R-Newcastle) adds a new sales tax exemption to a 501(c)(3) organization whose primary and principal purpose is to provide feminine hygiene products free of charge directly to individuals in need thereof and to organizations for distribution to those in need of such products.

The bill passed the Senate Finance Committee with the title stricken on Monday by a [vote](#) of 9 to 4. The bill moves to the Senate Appropriations Committee.

**Sales Tax Exemption/Nonprofit/Construction:** [SB 387](#) by Sen. Dave Rader (R-Tulsa) provides the exemption that includes the sales of tangible personal property or taxable services consumed or incorporated in the construction of a facility placed in service during calendar year 2023. The exemption shall include sales and taxable services to the organization and to any person, entity, contractor, or subcontractor with whom the organization has duly entered into a construction contract necessary for carrying out the contract. For sales tax paid on purchases that would otherwise be exempt but occurred before the effective date of this act, OTC shall make refunds to the purchasers in the full amount of the sales tax paid, as documented by the purchaser and verified by OTC.

The bill passed the Senate Appropriations Committee with the title stricken on Wednesday by a [vote](#) of 19 to 2.

**Commercial Pet Breeders & Animal Shelter Licensing Act:** [SB 349](#) by Sen. Jerry Alvord (R-Wilson) repeals the ability of a municipality/animal control to ask for reports from commercial animal breeders. Additionally, breeders no longer have to submit these reports to the OK Department of Agriculture, Food and Forestry.

The bill passed the Senate Agriculture & Rural Affairs Committee on Monday by a [vote](#) of 11 to 0.

**Sales Tax Exemption/Nonprofit/Training of Search and Rescue Canines & First Responder Team Training:** [SB 390](#) by Sen. Jerry Alvord (R-Lone Grove) and Rep. Brad Boles (R-Marlow) creates a new sales tax exemption for a nonprofit organization whose principal function is to strengthen emergency response to natural and man-made disasters at the local, state and national level through the provision of highly trained search and rescue canines and first responder team training. To qualify for the exemption, the organization must provide training sufficient to pass the FEMA Certification Examination equivalent, the State Urban Search and Rescue Alliance Disaster Search Canine Evaluation Process or its equivalent or shall be a member in good standing with Oklahoma Urban Search and Rescue Task Force One.

The bill passed the Senate Finance Committee with the title stricken on Monday by a [vote](#) of 11 to 2. The bill moves to the Senate Appropriations Committee.

**Sales Tax Exemption/Neglected Children/School Supplies:** [SB 406](#) by Sen. Dave Rader (R-Tulsa) and Rep. Jeff Boatman (R-Tulsa) creates a new sales tax exemption for nonprofit organizations whose principal functions of which are to prevent child abuse and neglect through education, treatment and advocacy and operates a facility that offers comprehensive community-based services for abused or neglected children from birth through eighteen (18) years of age. To be eligible for the exemption, the organization must provide the following documentation to OTC: articles of incorporation, organizational by-laws, and a notarized letter from the president or chairman of the organization stating the services provided by the organization. The sales of tangible personal property or services to or by an organization in this state which is nonprofit and provides documentation to OTC showing the organizations principal purpose is to provide school supplies or articles of clothing for underserved students attending grades pre-K through 12 at public schools. The exemption provided by this paragraph shall include materials, supplies, and equipment used in the construction or improvement of buildings and other structures owned by the organization and operated in pursuit of the organizations primary and principal purpose. The exemption shall apply

to sales to the organization and to sales to any person with whom the organization has duly entered into a construction contract, necessary for carrying out the contract or to any subcontractor to the construction contract.

The bill passed the Senate Appropriations Committee with the title stricken on Wednesday by a [vote](#) of 16 to 4.

**Federal Energy Conservation Program/Dept. of Commerce:** [SB 433](#) by Sen. Mary Boren (D-Norman) requires the Department of Commerce to make publicly available on its website, to be updated annually, information related to federal energy efficiency incentive programs. The information provided shall include, but not be limited to: 1) information regarding ongoing programs for individual households, multi-family housing, and any other energy efficiency programs; 2) information related to Oklahoma businesses that are promoting and implementing energy efficiency incentive programs; and any other information that would promote public awareness and adoption of any available energy efficiency programs.

The bill passed the Senate Energy and Telecommunications Committee on Thursday by a [vote](#) of 10 to 1.

**Sales Tax Exemption/Sunset/Rolling Stocks:** [SB 463](#) by Sen. Roger Thompson (R-Okmulgee) extends the sunset on the sales tax exemption for the sales or leases of rolling stocks to July 1, 2029.

The bill passed the Senate Appropriations Committee with the title stricken on Wednesday by a [vote](#) of 11 to 0.

**Threats to Election Officials:** [SB 481](#) by Sen. Dave Rader (R-Tulsa) and Rep. Jeff Boatman (R-Tulsa) makes it a crime to threaten, intimidate or harass an election official. The bill defines "election official" as a member or employee of the State Election Board or the county election board, the Secretary of the State Election Board or a county election board, or a person serving as a precinct official or absentee voting board member as appointed by law. Any person who, directly or indirectly, utters or addresses any threat or intimidation to any elected



official, shall be deemed guilty of a felony. Any person who, directly or indirectly, utters or addresses any threat or intimidation to any election official with intent to improperly influence an election shall be deemed guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment. Any person who falsely impersonates an election official or who, without authority, performs any act reserved to election officials by law with intent to improperly influence an election shall be deemed guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

The bill passed the Senate Judiciary Committee on Tuesday by a [vote](#) of 11 to 0.

**Fire Departments/Wildfire Reimbursement Revolving Fund:** [SB 492](#) by Sen. Lonnie Paxton (R-Tuttle) creates the Wildfire Reimbursement Revolving Fund to be a continuing fund for the purpose of reimbursement of expenditures of Oklahoma fire departments who participated in extinguishment efforts of fires. The Department of Agriculture, Food, and Forestry is appropriated for the fiscal year ending June 30, 2024, Five Million Dollars (\$5,000,000.00) for the Wildfire Reimbursement Revolving Fund.

The bill passed with the title stricken the Senate Agriculture & Rural Affairs Committee on Monday by a [vote](#) of 11 to 0. The bill moves to the Senate Appropriations Committee.

**Law Enforcement/Canine Cooperative Grant Program:** [SB 725](#) by Sen. Jack Stewart (R-Yukon) and Rep. Josh Cantrell (R-Kingston) creates the Canine Cooperative Grant Program. The fund shall be a continuing fund consisting of monies received from legislative appropriations, private donations, and federal grant programs. DPS is directed to promulgate rules to create the Canine Cooperative Grant Program to provide financial assistance for state, county, and municipal law enforcement entities for acquisition and training of law

enforcement canines; provided, canines shall be trained at FEMA certified facilities and shall be specifically allocated for law enforcement officers. The programs shall have the following annual limits for grants: Ten Thousand Dollars (\$10,000.00) per state law enforcement; Ten Thousand Dollars (\$10,000.00) per county sheriff and Five Thousand Dollars (\$5,000.00) per municipal police department for canine purchases or canine training.

The bill passed the Senate Appropriations Committee on Wednesday by a [vote](#) of 11 to 0.

**Medical Marijuana/Zoning:** [SB 801](#) by Sen. Bill Coleman (R-Ponca City) allows municipalities, after the effective date of this act, to modify their standard planning and zoning procedures to forbid certain zones or districts within the municipality for the operation of a marijuana-licensed premises, medical marijuana business, or any other premises where marijuana or its by-products are cultivated, grown, processed, stored, or manufactured; provided, any medical marijuana business licensed prior to the effective date of this act may continue to operate until such time they are no longer licensed by OMMA.

The bill passed the Senate Business & Commerce Committee on Monday by a [vote](#) of 12 to 0.

**Firearms/OK Second Amendment Financial Privacy Act:** [SB 814](#) by Sen. Micheal Bergstrom (R-Adair) creates the Oklahoma Second Amendment Financial Privacy Act. The bill prohibits a financial institution from disclosing a customer's protected financial information unless otherwise required by law, disclosure is made pursuant to a warrant, the customer has authorized the disclosure, or disclosure is made pursuant to a subpoena or to a grand jury subpoena. Authorized disclosures shall only disclose information authorized by the customer or outlined in the subpoena or warrant. If a subpoena issued by a government entity requires disclosure of a customer's protected financial information, a financial institution shall only disclose the information if the subpoena meets the following requirements: the subpoena must state that protected financial information is being sought and a copy of the subpoena must be served to customer and must contain a certification that the

service was executed. The bill prohibits financial institutions from using a firearms code to decline a lawful payment card transaction, limit business with a customer, charge a higher transaction or interchange fee, or take any action against a customer or merchant that is intended to suppress lawful commerce involving firearms or ammunition. The measure provides that a person may bring a civil action for damages against any financial institution or government entity that causes the customer's protected financial information to be disclosed in violation of the provisions of this bill. The bill also outlines the damages that may be awarded.

The bill passed the Senate Business & Commerce Committee with the title stricken on Monday by a [vote](#) of 10 to 2. The bill moves to the Senate Finance Committee.

**Economic Boycott/Firearms:** [SB 842](#) by Sen. Lonnie Paxton (R-Tuttle) prohibits governmental entities from contracting with companies without certain written verification. The provisions of this section shall only apply to a contract that is between a governmental entity and a company with at least ten (10) full-time employees; has a value of at least One Hundred Thousand Dollars (\$100,000.00) paid wholly or partly from public funds of the governmental entity; and is entered into on or after the effective date of this act. Any contract entered before the effect date of this act is governed by the law in effect on the date the contract was entered. OMES has the authority and responsibility of reviewing state governmental contracts to confirm the law has been satisfied.

The bill passed the Senate General Government Committee on Thursday by a [vote](#) of 9 to 2. The bill moves to the Senate Appropriations Committee.

**Oklahoma Broadband Expansion Act:** [SB 848](#) by Sen. Lonnie Paxton (R-Tuttle) requires OMES to provide assistance in the manner requested within thirty (30) days of determination by the Agency that the request is able to be fulfilled. If for any reason the request cannot be fulfilled within thirty (30) days, the Oklahoma Broadband Office and OMES shall enter into a written agreement expressing an agreed upon timeline for fulfilling the needs of the

Office. In the event that the request cannot be fulfilled, OMES shall respond in writing the reasoning for denial.

The bill passed the Senate Energy & Telecommunications Committee with the title stricken on Thursday by a [vote](#) of 11 to 0.

**Oklahoma Broadband Expansion Act:** [SB 849](#) by Sen. Lonnie Paxton (R-Tuttle) modifies reporting requirements for private providers submitted to the Oklahoma Broadband Office.

The bill passed the Senate Energy & Telecommunications Committee with the title stricken on Thursday by a [vote](#) of 11 to 0.

**Sales Tax Exemption/Timber:** [SB 961](#) by Sen. Chris Kidd (R-Waurika) adds timber to the definition of "agricultural products" and adds farming or farm shall include the production of timber, seedling production and forestry management to the exemption of sales tax.

The bill passed the Senate Agriculture & Rural Affairs Committee on Monday by a [vote](#) of 10 to 0. The bill moves to the Senate Finance Committee.

**Law Enforcement/Sexual Assault Evidence Kits:** [SB 962](#) by Sen. Shane Jett (R-Shawnee) requires each accredited crime laboratory shall test any untested sexual assault evidence kit within eighteen (18) months of receiving the untested sexual assault kit. It also reduces the time for when a sexual assault evidence kit to the appropriate accredited crime laboratory for forensic testing from twenty (20) days to ten (10) days.

The bill passed the Senate Public Safety Committee on Thursday by a [vote](#) of 10 to 0.

**Law Enforcement/Statewide Radio Strategic Plan:** [SB 966](#) by Sen. Bill Coleman (R-Ponca City) and Rep. Ross Ford (R-Broken Arrow) requires the Land Mobile Radio Public Safety Interoperability Cooperative (Cooperative) to create a Statewide Radio Strategic Plan for leveraging existing assets and evolving the technology platform on which the Statewide Interoperable Radio Communications System is based and electronically transmit a copy

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of the Plan to the respective offices of the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor of this state within ninety (90) days of the effective date of this act. The Cooperative shall implement the Plan in collaboration with all state agencies, political subdivision entities, and other interested parties that maintain a public radio system in this state. The Statewide Interoperable Radio Communications Governance Body, created in Section 2 of this act, shall facilitate the interoperability of the radio system of this state. There is created a five (5) member of the Statewide Interoperable Radio Communications Governance Body. There is created in the State Treasury a revolving fund to be designated the Statewide Public Safety Interoperable Radio Communications System Revolving Fund to be used for the purpose of implementing and maintaining a statewide interoperable radio communications system.

The bill passed the Senate Public Safety Committee on Thursday by a [vote](#) of 12 to 0.

**Law Enforcement/Security of Communications Act:** [SB 981](#) by Sen. Darrell Weaver (R-Moore) and Rep. Anthony Moore (R-Clinton) provides that information obtained by a law enforcement officer from a wire, oral or electronic communication authorized by the Security of Communications Act may be provided as testimony or evidence in administrative, civil, or criminal proceedings.

The bill passed the Senate on Monday by a **vote** of 46 to. The bill moves to the House.

**Law Enforcement/Missing Children/Manhunt:** [SB 1002](#) by Sen. Roger Thompson (R-Okemah) authorizes the Commissioner of DPS to investigate and cooperate with municipal or county law enforcement agencies when a manhunt or missing child situation happens in the state. Municipal or county law enforcement shall be required to notify the Commissioner, or his or her designee, within the first twelve (12) hours of opening the local investigation.

The bill passed the Senate Public Safety Committee on Thursday by a [vote](#) of 11 to 0.

**Firearms/Medical Marijuana:** [SB 1036](#) by Sen. Nathan Dahm (R-Broken Arrow) adds that it shall be unlawful for an individual to be under the influence of medical marijuana obtained pursuant to a valid medical marijuana patient license. Nothing shall be construed to allow the OSBI to deny an otherwise qualified applicant from obtaining a handgun license solely on the basis of the applicant being a lawful holder of a medical marijuana patient license.

The bill passed the Senate Public Safety Committee on Thursday by a [vote](#) of 12 to 0.

**Sales Tax Exemption/Custom Order Manufacturing:** [SB 1068](#) by Sen. Brent Howard (R-Altus) modifies the definition of manufacturing to include the manufacturing, compounding, processing or fabrication of materials into articles of tangible personal property according to the special order of a customer (custom order manufacturing) by manufacturers classified as operating in North American Industry Classification System (NAICS) Sectors 32 and 33,, but does not include such custom order manufacturing by manufacturers classified in other NAICS code sectors. The bill expands the sales tax exemption to include custom order manufacturing. The sales for use in a manufacturing operation shall be exempt for any manufacturer engaged in manufacturing as defined in paragraph 14 of Section 1352 of this title.

The bill passed the Senate Finance Committee with the title stricken on Monday by a [vote](#) of 10 to 1. The bill moves to the Senate Appropriations Committee.

**Tort Claims/Physician/Public Trust Hospitals:** [SB 1087](#) by Sen. Brent Howard (R-Altus) amends the Governmental Tort Claims Act definition of "employee". For purposes of GTCA, a physician licensed to practice medicine pursuant to Title 59 of the Oklahoma Statutes who provides medical services in a public trust hospital, but who is not employed by such hospital, to be deemed an employee only for medical services provided in such hospital.

The bill passed the Senate Judiciary Committee on Tuesday by a [vote](#) of 10 to 1.

**Oklahoma Police Pension/Small Departments:** [SB 1095](#) by Sen. Grant Green (R-Wellston) and Rep. Carl Newton (R-Cherokee) allows a municipality with a population of four thousand (4,000) or less may employ a retired police officer who is more than forty-five (45) years of age and are actively receiving retirement benefits. A retired police officer employed under this subsection shall be eligible to accrue further years of service in the System.

The bill passed the Senate Retirement & Insurance Committee on Tuesday by a [vote](#) of 9-0 . The bill moves to the Senate Appropriations Committee.

## **Next Week at the Capitol**

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

**February 20, 2023**

**House County & Municipal Government  
Committee**  
**3:00 p.m. in 4S5**

**Municipal Roads/County Commissioners:** [HB 1022](#) by Rep. Jim Olsen (R-Roland) modifies when county commissioners may help with construction, improving, repairing, or maintaining roadways on municipal roads. The bill amends the population threshold and requires a municipality to have a budgeted revenue for any construction, improvement, repairing or maintaining of streets or roadways of such municipality; provided, the county has a population of less than one hundred fifty thousand (150,000) persons.

**Municipal Code Lien Enforcement Act of 2023:** [HB 2038](#) by Rep. Monroe Nichols (D-Tulsa) creates the Municipal Code Lien Enforcement Act of 2023. This shall apply to any municipal governing body that adopts the provisions of this act and are applicable to the collection of municipal code liens as to real property, other than owner-occupied property, in the municipality. The provisions do not apply to owner-occupied property. Notwithstanding any law to the contrary, any fees, penalties, and abatement costs imposed against property other than owner-occupied real property for violations of a municipality's housing and building codes

adopted by the State may be enforced in rem as a lien. Every municipal code lien shall be superior to all other liens, except those liens for taxes described or reference in Section 3103 of Title 68. The bill sets up a process for rights and remedies for the governmental entities to enforce municipal ordinances and shall not extend to any nongovernmental transferee of municipal code liens.

**Municipal Audits:** [HB 2362](#) by Rep. Brad Boles (R-Marlow) directs the governing body of each municipality that requests the biennial agreed-upon-procedures engagement to determine the establishment of policies related to adjustments, write-downs, or write-offs for various receivables due to the municipality and/or the utility-related trust and select a sample of adjustments to test for adherence to policies and for appropriate supporting documentation; obtain two (2) months of bank statements of the General Fund and Utility Fund and confirm that cash deposits were made in the appropriate account(s) and verify utility billing receipts and/or posting reports agree to the daily deposits. The governing body shall agree upon a pay rate to be authorized and documented in the personnel file or in approved meeting minutes for the city manager/town administrator, city/town clerk, city/town treasurer and payroll clerk. Public trusts with municipal governments as the beneficiary that meet the same financial requirements established in subsection B, may in alternative to obtaining an audit, follow the biennial agreed-upon-procedures engagements as outlined in subsection D of this section.

**House A&B Public Safety Subcommittee**  
**4:30 p.m. in Room 206**

**Oklahoma 9-1-1 Management Authority Training:** [HB 1590](#) by Rep. Jim Grego (R-Wilburton) requires the Oklahoma 9-1-1 Management Authority to maintain an online training platform for 9-1-1 Emergency Telecommunicators in Oklahoma. The Authority shall create, maintain, and certify a list of qualified online and in-person training programs that include the basic requirement for a 9-1-1 Emergency Telecommunicator. Classes must be forty (40) hours in length and includes instruction for basic call handling and dispatch services. The



Authority shall establish hourly training requirements on a yearly basis. On or before July 1, 2024, all Emergency Telecommunicators must complete, either in person or virtual, a forty-eight (48) hour state recognized training course for basic call handling and dispatch. Any new Emergency Telecommunicator hired after January 1, 2024, must complete the training six (6) months after they are hired. On or before July 1, 2024, all Emergency Telecommunicators must complete, either in person or virtual, a state or nationally recognized telecommunicator CPR training course. If the state or an area of the state is utilizing Next Generation 9-1-1 system that uses the NENA i3 standard for call delivery, then the service company must provide the required data elements required by said standard. The bill amends the members of 9-1-1 Management Authority and names those members removed as nonvoting members. The fees are increased from seventy-five cents (\$.75) to One Dollar and twenty-five cents (\$1.25) with twenty-five cents (\$.25) deposited in the Oklahoma 9-1-1 Management Authority Revolving Fund. A new public safety answering point (PSAP) shall not be established after July 1, 2024, unless the new PSAP is established as a result of: 1) a consolidation with an existing PSAP; or 2) a replacement of an existing PSAP.

**Tuesday, February 21, 2023**

**House Public Safety Committee**  
**10:30 a.m. in Room 4S5**

**Firearms/Municipal Carry:** [HB 2136](#) by Rep. Kevin McDugle (R-Broken Arrow) authorizes the governing body of a city or town to authorize the concealed carry of handguns into any structure, building or office space, except those places listed in paragraph 2 of this subsection, which is owned or leased by a city or town. Municipalities are given the authority to allow certain employees or public officials of the municipality, municipal trust, or municipal authority who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and who have successfully completed any additional training or requirements, established by ordinance or resolution, to carry a concealed or unconcealed handgun or other firearm when acting in the scope and course of employment. For purposes of this

subsection, firearms may not be present in a location that is a firearm-prohibited location. As used in this paragraph, "firearm-prohibited location" shall include any building or room on municipally owned, leased, or maintained property designated as a firearm-prohibited location by the municipality, municipal public trust, or municipal authority. Nothing in this subsection shall be construed as a mechanism to allow municipal employees to carry a firearm as a duty or function of their employment with the municipality, municipal public trust, or municipal authority.

**Law Enforcement/Texting While Driving:** [HB 2228](#) by Rep. Ross Ford (R-Broken Arrow) modifies the type of devices unlawful to use while operating a motor vehicle. A law enforcement officer shall not, without the consent of the person: confiscate a cellular telephone or electronic communication device for the purpose of determining compliance with this section; confiscate a cellular telephone or electronic communication device and retain it as evidence pending trial for a violation of this section; or extract or otherwise download information from a cellular telephone or electronic communication device for a violation of this section unless: a. the law enforcement officer has probable cause to believe that the cellular telephone or electronic communication device has been used in the commission of a crime, b. the information is extracted or otherwise downloaded under a valid search warrant, or c. otherwise authorized by law.

**House General Government Committee**  
**10:30 a.m. in Room 5S2**

**Medical Marijuana/Conflict of Interest:** [HB 1616](#) by Rep. Rande Worthen (R-Lawton) requires any elected or appointed state, county, or municipal official to disclose any conflict of interest or ownership interest in the medical marijuana business to OMMA.

**Open Meetings/Virtual:** [HB 2108](#) by Rep. Daniel Pae (R-Lawton) provides a definition for public health emergency to mean a situation where the circumstances lead state or local elected officials, as applicable to this act, to determine a risk of death or significant harm to the human population of the state or particular applicable political subdivision.

A locally declared state of emergency declared by a mayor or chairman of a board of county commissioners shall not continue for more than thirty (30) days with ratification of the respective public body, unless such state of emergency is concurrently declared by the Governor of the State of Oklahoma covering the applicable political subdivision. Public bodies, unless specifically exempted, may conduct meetings and executive sessions utilizing digital means subject to the following requirements: 1) no public official may be counted for more than one-fourth (1/4) of regular or special meetings in a rolling one (1) year period; 2) a quorum of members must be physically present in the regular meeting location; 3) any member participating in a meeting utilizing electronic means must confirm by audio or visual affirmation to the public to be the actual member of the governing body and may only participate from a fixed location; 4) documents provided digitally during a meeting utilizing electronic means must be made available in accordance with lawfully adopted policies of the governing body and the open records requirements; 5) any governing body making a good faith effort to comply is immune from liability for any attorney's fees connected with litigation for a failure to comply with this section; 6) minutes must be prepared in compliance with state and local laws; and 7) a governing body may hold a meeting utilizing digital means without a quorum at the physical location during an emergency for purposes of dealing with the emergency. The bill requires the video of the meeting to be made available at least seven (7) business days after the meetings become official if the public body maintains a website, has dedicated information technology employees, and has immediate access to high-speed internet connections. Meetings held without a physical meeting place open to the public shall be streamed at no charge. The public may be allowed to participate to the extent such participation is consistent with previously adopted statutes, rules, or policy. No private electronic communications concerning public business may occur during a public meeting amongst the governing body.

**Open Records Act/Public Access Counselor/AG's Office:** [HB 2287](#) by Rep. John Pfeiffer (R-Mulhall) creates the position of a Public Access Counselor in the Office of the Attorney General. Any person

whose request to inspect or copy a public record is denied by a public body, except the Legislature and committees, commissions, and agencies thereof, may file a request for review with the Public Access Counselor not later than sixty (6) days after the date of the final denial. The request for review must be in writing, signed by the requester, and include: a copy of the request for the access to records and any response from the public body. A person who makes the request for commercial purpose may not file a request for review. If the public body treats the request for review as a commercial purpose, the individual may file a request with the Public Access Counselor to review whether the public body properly determined the request. The Public Access Counselor must forward a copy of the request for the public body to review within seven (7) business days after receipt and specify the records or other documents that the public body shall furnish to facilitate the review. If the public body fails to respond, the AG may issue a subpoena to any person or public body having knowledge of or records pertaining to a request for review of a denial of access to records. There is a process for extending the time by the Public Access Counselor with notification to the requester and public body. The opinion shall be binding upon both the requester and the public body. Upon receipt of the binding opinion, the public body must either take necessary action to comply or file suit in the proper district court. The AG may also issue advisory opinions to public bodies regarding compliance with this act.

### **House Government Modernization & Technology Committee**

**1:30 p.m. in Room 4S5**

**Law Enforcement/Human Enforcement/Human Trafficking & Child Exploitation Prevention Act:** [HB 1050](#) by Rep. Randy Randleman (R-Eufaula) creates the Human Trafficking and Child Exploitation Prevention Act. The bill makes it unlawful for a retailer of an Internet-enabled device to knowingly sell an Internet-enabled device without an activated filter that at least makes an attempt to block by default websites that display content in subsection A of Section 3 of this act; violates the provisions of Subsection C of Section 3 of this act; fails to comply the requirements of Subsection D of Section 3 before deactivating a

product's filter; or disclose to a third party the name or the personal identification information of adult consumers who have elected to deactivate a product's filter in violation of subsection H of Section 3 of this act without a court order directing otherwise. A retailer of an Internet-enabled device that commits an offense, shall be guilty of a misdemeanor subject to a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in a county jail for a term not exceeding two (2) days. A second violation within one (1) year of a first conviction shall result in a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) or by imprisonment in a county jail for a term not exceeding ten (10) days. A retailer convicted of a third or subsequent violation within one (1) year of a first conviction is subject to a fine of Two Thousand Five Hundred Dollars (\$2,500.00) or by imprisonment in county jail for a term not exceeding sixty (60) days. There is created in the State Treasury a revolving fund to be designated as the "Oklahoma Human Trafficking and Child Exploitation Prevention Grant Fund" to be administered by the Office of the Attorney General. The fund shall consist of filter deactivation fees collected by OTC from retailers of Internet-enabled devices and live adult entertainment admission fees. Upon the effective date of this act, an admission fee of Five Dollars (\$5.00) shall be imposed for each entry by each customer admitted to a live adult entertainment establishment.

**Video Services/Municipal Agreements:** [HB 1599](#) by Rep. Ryan Martinez (R-Edmond) modifies the definition of "video services" to include wireline facilities that are owned, controlled, constructed, or operated by the provider of such video service and located at least in the part in the public right of way. Video services does not include video programming provided by a commercial mobile service provider as defined in 47 U.S.C., Section 332(d)(1); direct-to-home satellite services as defined in 47 U.S.C., Section 303(v) that are transmitted from a satellite directly to a customer's premises without using or accessing any portion of the public right-of-way; or video programming accessed over the internet, including streaming content.

**Law Enforcement/DUI/Tracking Application:** [HB 2151](#) by Rep. Kevin West (R-Moore) requires DPS to

develop or contract to develop a cellular phone application that allows for the tracking of individuals convicted of the offense of driving while under the influence of alcohol or other intoxicating substance. The cellular phone application shall be installed on the cellular telephone of individuals convicted of the offense of driving under the influence. The app shall: allow for information relating to the individual's real-time and past location to be available to any state or municipal law enforcement agency personnel; allow law enforcement personnel to locate previous offenders in his or her immediate area; and not allow for an individual's name or identifying information to be seen on the tracking device used by law enforcement officers. The location of the individual can only be visible to law enforcement personnel as a dot on the screen with no identifying information. The location information provided to law enforcement is not to be considered probable cause for the stop of an individual. For the first offense of an offender the option of having a track application installed on his or her cellular telephone for a period of one (1) year if agreed to by a district attorney and for subsequent offenses the app can be installed for a period of five (5) years.

**House Transportation Committee**  
**1:30 p.m. in Room 450**

**Law Enforcement/Motorcycle Profiling:** [HB 2426](#) by Rep. Stan May (R-Broken Arrow) requires law enforcement agencies to adopt a written policy to designed to condemn and prevent motorcycle profiling and review and audit their existing procedures, practices, and training pertaining to motorcycle profiling.

**Senate Judiciary Committee**  
**After Adjournment 2 in Room 4S9**

**Municipal Judge Certification:** [SB 462](#) by Sen. Julie Daniels (R-Bartlesville) beginning July 1, 2025, no person may be newly appointed pursuant to paragraph 2 of this subsection as a municipal judge. A municipal judge appointed prior to July 1, 2025, who has completed the requirements in subsections D and F, may continue to be reappointed. The bill removes the language for cities with a population of seven thousand five hundred (7,500) of having a

non-attorney serve as a municipal judge. Beginning July 1, 2025, any person currently appointed or serving as a municipal judge shall have completed a certification program as approved by the Oklahoma Municipal Judges Association. The certification program shall have a minimum of twelve (12) hours of continuing legal education approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission to include laws specific to municipal courts, trial evidentiary matters, criminal cases eligible for municipal courts, and indigency hearings. Any person appointed as a municipal judge after July 1, 2025, shall have one (1) year from the date of appointment to complete the certification program described in paragraph 1 of this subsection. If a municipal judge has not completed the training required, the maximum fine that may be imposed by the municipal court in all traffic and criminal cases shall not exceed Fifty Dollars (\$50.00). A copy of the Oklahoma Municipal Judge certification shall be filed with the county clerk in the county in which the municipality is located and with the municipal court clerk.

**Open Records Act/Confidential Records:** [SB 715](#) by Sen. Kay Floyd (D-OKC) provides that if a public body determines to keep a requested record confidential pursuant to subsection A of this section, the public body shall notify the requestor of such decision. A person denied access to records may file an action pursuant to subsection B of Section 24A.17 of this title. Upon hearing, the court may order the release of records if the court finds that the public interest in the records outweighs the privacy interest and may order any redactions necessary to protect innocent parties. The court may award a requesting party court costs and reasonable attorney fees if it finds that the denial of access to the records by the public body was unreasonable.

**Law Enforcement/Asset Forfeiture Transparency:** [SB 1088](#) by Sen. Nathan Dahm (R-Broken Arrow) requires any law enforcement agency seizing property pursuant to this section shall submit an annual report by February 1 of each year identifying the property seized and the disposition of such property to the Governor, the President Pro Tempore and the Chair of the Senate Public Safety Committee, the Speaker and the Chair of the House

Public Safety Committee, and the State Auditor and Inspector. All reports and data submitted shall be published as a data feed on the data.ok.gov website.

**House Children, Youth & Family Services  
Committee  
3:00 p.m. in Room 5S2**

**Preemption/Childcare Facilities:** [HB 2452](#) by Rep. Suzanne Schreiber (D-Tulsa) prohibits local governing authorities from promulgating local regulations that permit or require licensees of family childcare homes to exceed or limit the capacity provided by the license granted to the family childcare home licensee by DHS.

**Wednesday, February 22, 2023**

**House States' Powers Committee  
9:00 a.m. in Room 5S2**

**Firearms/Preemption:** [HB 2063](#) by Rep. David Hardin (R-Stilwell) prohibits a peace officer, state employee, or employee of a political subdivision from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on firearms, firearm accessories, or ammunition and is also prohibited from participating in any federal enforcement action implementing a federal ban on firearms, firearm accessories, or ammunition. An employee of the state or political subdivision may not expend public funds or allocate public resources for the enforcement of a federal ban. Nothing may be construed to prohibit or otherwise limit a peace officer, state employee or employee of a political subdivision from cooperating, communicating or collaborating with a federal, state, county or municipal agency if the primary purpose is not law enforcement activity or the investigation of a violation of a ban on firearms. The State of Oklahoma and any political subdivision shall not reduce or eliminate funding or budget from the county sheriff's office or municipal police department for refusing to obey or enforce the Second Amendment, or declaring any political subdivision of this state as a Second Amendment Sanctuary. The State of Oklahoma and any political subdivision from terminating or retaliating against any peace officer.



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**Preemption/Firearms Manufacturing Act of 2023:** [HB 2643](#) by Rep. Jay Steagall (R-Yukon) creates the Firearms Manufacturing Act of 2023. A firearm, firearm part, or firearm suppressor manufactured in this state is not subject to federal law or federal regulation, including registration under the authority of the US Congress to regulate interstate commerce. On written notification to the AG, the AG shall seek a declaratory judgment from a federal district court in this state that is consistent with the US Constitution. An entity in this state, is prohibited from adopting a rule, order, ordinance, or policy under which the entity enforces or, by consistent action, allows the enforcement of federal rules and regulations that do not exist under the laws of this state. There is a process for an appeal.

**House Business & Commerce Committee**  
**9:30 a.m. in Room 206**

**Boiler and Pressure Vessel Act:** [HB 1331](#) by Rep. Judd Strom (R-Copan) authorizes the Commissioner of Labor to promulgate rules establishing a schedule of administrative penalties and fines for violations of the Boiler and Pressure Vessel Safety Act and/or the Boiler and Pressure Vessel Rules which may be in addition to or in lieu of the criminal penalties provided in this section. The promulgation of an administrative fine schedule shall grant the Commissioner authority to impose those administrative fines for any violation of the Boiler and Pressure Vessel Safety Act and/or the Boiler and Pressure Vessel Rules. Funds collected as payment from a violator for administrative fines imposed for a violation of the Boiler and Pressure Vessel Safety Act and/or the Boiler and Pressure Vessel Rules shall be deposited to the Department of Labor Administrative Penalty Revolving Fund.