

04-23

February 24, 2023

In This Issue:

Eminent Domain Bill Threatens Economic Development	1
Unfunded Mandate Priority Passes Committee	1
OML Priorities Voted Out of Committee	2
Bills on the Move	5
Next Week at the Capitol	18

The Advocate is published by the Oklahoma Municipal League. Forward your comments or suggestions to:

Oklahoma Municipal League
201 N.E. 23rd Street
OKC, OK 73105
Phone: 1-800-324-6651 /
405-528- 7515
Fax: 405-528-7560
Email: daniel@oml.org
Internet: www.oml.org



Eminent Domain Bill Threatens Economic Development

Last week, the House Judiciary – Civil Committee passed [HB 2191](#) by Rep. Kevin West (R-Moore) out of committee threatening economic development. The bill states that government authorities may not take or damage private property unless it is necessary for public use and the property owner is justly compensated. 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.

Unfunded Mandate Priority Passes Committee

[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 Appropriations Committee on Wednesday by a [vote](#) of 19 to 2. The next step is for the bill to be heard on the Senate floor.

OML Priorities Voted Out of Committees

With one week left before the deadline, the Legislature acted on several pieces of OML priority legislation. These issues were voted on at the OML Annual Conference to become our agenda. Please see below the issues that are moving through the legislative process:

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.

The bill passed the House General Government Committee on Tuesday by a [vote](#) of 7 to 0.

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.

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

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.

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

Law Enforcement/Drug Offenses: [SB 108](#) by Sen. Micheal Bergstrom (R-Adair) gives authority to the court to order a person to complete a substance abuse assessment and evaluation and a diversion program if they are found guilty of misdemeanor for possession of a controlled dangerous substance. A person who refuses or fails to complete the program may receive punishment. Any person who is convicted, receives a deferred sentence, or receives a suspended sentence for an offense described in this section, excluding an offense for the use of marijuana, who receives a fourth or subsequent conviction within ten (10) years for an offense, shall be guilty, upon conviction, of a felony punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), by imprisonment in DOC for not less than one (1) year nor more than five (5) years, or by both. Violations under this section shall be referred to the district attorney. If the district attorney declines to prosecute, such violations may be

prosecuted in municipal court. A municipality may adopt ordinances to effectuate this section of law.

The bill passed the Senate Public Safety Committee on Thursday by a [vote](#) of 9 to 3.. The bill moves to Senate Appropriations.

Tobacco Regulations/Local Control: [SB 215](#) by Sen. Jessica Garvin (R-Duncan) requires an individual who violates the section of law pertaining to tobacco use must complete an education or tobacco use cessation program conducted by ABLE or a municipality. The bill authorizes cities and towns to enact ordinances prohibiting and penalizing conduct of tobacco use for minors. Any fine imposed for a violation shall not exceed Fifty Dollars (\$50.00) for a first offense or One Hundred Dollars (\$100.00) for a subsequent offense. An offender found to be in violation shall complete an educational program designed to deter the unlawful conduct. The municipal judge may order the offender to complete community service or to undergo services as determined by the judge.

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

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 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.

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

(This is a companion bill for our youth tobacco bills.)

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.

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

Open Meetings Act/Public Health Emergency/Virtual Meetings: [SB 761](#) by Sen. Brent Howard (R-Altus) and 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 meeting minutes 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.

The bill passed the Senate General Government Committee on Thursday by a [vote](#) of 7 to 2.

BILLS ON THE MOVE

Snapshot of bills impacting cities and towns

Sales Tax Exemption/Veterans: [HB 1009](#) by Rep. John Talley (R-Stillwater) creates a new sales tax exemption on the sales of motor vehicles for disabled veterans; however, this exception may not be claimed by the qualifying disabled veteran for more than one (1) vehicle in a consecutive three (3) year period, unless the vehicle is a replacement for a vehicle which was destroyed and declared by the insurer to be a total loss claim.

The bill passed the House A&B Finance Subcommittee on Monday by a [vote](#) of 8 to 0. The bill moves to the House A&B Committee.

Law Enforcement/Kasey Alert Act: [HB 1077](#) by Rep. Ken Luttrell (R-Ponca City) and Sen. Cody Rogers (R-Tulsa) creates the Kasey Alert Act. The Department of Public Safety (DPS) shall develop and implement a statewide Kasey Alert system to be activated on behalf of a critically missing adult. The alert system in cooperation with DOT, DHS, ODEMHS, tribal governments, the Oklahoma Association of Broadcasters, and any other state or local agency that DPS deems appropriate. DPS shall promulgate rules necessary to implement this act, provided the rules shall include: 1) the procedure to be used by law enforcement agencies to verify whether an adult is believed to be at risk or abduction or being taken against his or her will; 2) the criteria law enforcement agencies must consider in circumstances in which a missing person does not meet the definition of a critically missing adult but whose safety would be best protected by the issuance of a Kasey Alert; 3) the procedure for law enforcement agencies to follow in initiating such alerts; 4) the method whereby information is distributed statewide; the procedure for the receipt and evaluation of information received from the public; and the procedure for the termination of a Kasey Alert.

When a law enforcement agency receives notice of a critically missing adult, the agency shall: 1) enter the missing individual in the NCIC database immediately; 2) investigate the disappearance of the

critically missing adult; and 3) collect identifying information and any other information that might be useful to the general public for the safe recovery of the person.

A Kasey Alert shall include all appropriate information provided by a law enforcement agency for a safe recovery and a statement instructing any person with information to a missing Native American or Indigenous person to contact law enforcement or tribal authorities. The bill sets up procedures for what to do when a Kasey Alert is terminated.

The bill passed the House Public Safety Committee on Tuesday by a [vote](#) of 7 to 0.

Computer Data & Privacy Act: [HB 1030](#) by Rep. Josh West (R-Grove) creates the Oklahoma Computer Data and Privacy Act. This bill entitles a consumer to request that a business that collects the consumer's personal information delete any personal information the business has collected from the consumer. It contains several other provisions to ensure that the privacy of consumers' personal information. It also preempts any ordinance, order or rule adopted by a political subdivision of this state relating to the collection or sale by a business of a consumer's personal information. This bill contains penalties, definitions, and extensive details.

The bill passed the House Government Modernization & Technology Committee on Tuesday by a [vote](#) of 10 to 0.

Sales Tax Holiday/School Supplies & Clothes: [HB 1039](#) by Rep. Jacob Rosecrants (D-Norman) expands the sales tax holiday to include school supplies. The bill amends the limit of sales price for clothing and footwear from One Hundred Dollars (\$100.00) to Seventy-five Dollars (\$75.00) and adds the price of school supply items if it is less than Fifty Dollars (\$50.00). The bill lists the items of school supplies qualifies for the exemption with a sales price of more than Thirty Dollars (\$30.00) and less than Fifty Dollars (\$50.00).

The bill passed the House A&B Finance Subcommittee on Monday by a [vote](#) of 9 to 0. The bill moves to the House A&B Committee.

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.

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

Oklahoma Quality Events Incentive Act: [HB 1352](#) by Rep. Scott Fetgatter (R-Okmulgee) expands the eligibility of "quality events" to any county with a population of less than one hundred thousand (100,000) persons, or any city or town with a population of less than ten thousand (10,000) persons located in a county with more than one hundred thousand (100,000) persons, each city or town within such county may designate one new or existing event per year that attracts twenty-five percent (25%) of its visitors from out-of-state as a quality event whether it meets certain conditions, or for any National Scenic Byway or any State Scenic Byway, a combination of at least two cities, towns, or counties along the same byway may designate one driving event per year as a quality event.

The bill passed the House Rules Committee with the title stricken on Tuesday by a [vote](#) of 10 to 0.

Sales Tax Exemption/Custom Ordering: [HB 1353](#) by Rep. Scott Fetgatter (R-Okmulgee) expands 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 passed the House Rules Committee on Tuesday by a [vote](#) of 10 to 0.

Law Enforcement Escorts: [HB 1393](#) by Rep. Steve Bashore (R-Miami) and Sen. Paul Rosino (R-OKC) changes the entity that is to be paid a fee for providing a law enforcement escort for the transport of an oversized load or hazardous shipment from the Department of Transportation to the Department of Public Safety

The bill passed the House on Tuesday by a [vote](#) of 96 to 0. The bill moves to the Senate.

Sales Tax Exemption/Nonprofit: [HB 1568](#) by Rep. Marilyn Stark (R-Bethany) adds a new sales tax exemption for tangible personal property or services for a nonprofit organization in good standing and having gross revenues not to exceed Three Million Dollars (\$3,000,000.00) during the tax year ending on the date immediately preceding the first date after the end of such tax year upon which entity seeks to make otherwise taxable purchases of tangible personal property and services. The provisions of this section do not apply to purchases of alcohol or tobacco by the nonprofit entity.

The bill passed the House A&B Finance Subcommittee on Monday by a [vote](#) of 7 to 0. The bill moves to the House A&B Committee.

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 include 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). 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.

The bill passed the House A&B Public Safety Committee on Monday by a [vote](#) of 6 to 4. The bill moves to the House A&B Committee.

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.

The bill passed the House Government Modernization & Technology Committee on Tuesday by a [vote](#) of 10 to 0.

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 the Oklahoma Medical Marijuana Authority (OMMA). The bill defines interest as ownership in any entity that holds a medical marijuana license issued by the Authority or an interest in any entity that receives a set percentage of profit distribution from any entity that holds a license issued by the Authority.

The bill passed the House General Government Committee on Tuesday by a [vote](#) of 7 to 0.

Firearms/Unlawful Carry: [HB 1762](#) by Rep. Robert Manger (R-OKC) prohibits any person convicted of violating the foregoing provision after a conviction of assault and battery that qualifies as domestic abuse shall be guilty of a felony punishable by imprisonment in the custody of DOC for a term of not less than one (1) year nor more than five (5) years, or by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or both.

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

State Architectural & Registered Commercial Interior Designers Act: [HB 1793](#) by Rep. Mike Osburn (R-Edmond) defines "nonstructural interior construction" to mean the construction of elements which do not include: the design of architectural and engineering work, altering the building's existing primary structural, fire and life safety, mechanical, electrical and plumbing systems, as set out in Oklahoma state law or the current International Building Code as adopted by OUBCC or other related primary building systems, and changes to the building's core and shell. Nonconstructural interior construction projects in Code Use Groups requiring an architect are exempt from hiring an architect if the services are performed by a licensed interior designer.

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

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 Committee with the title stricken on Wednesday by a [vote](#) of 27 to 5.

Electric Provider Easements/High Speed Broadband: [HB 1965](#) by Rep. Carl Newton (R-Cherokee) defines the terms of "approved broadband provider" and "electric provider". The bill allows any easement owned, held, or otherwise used by an Electric Provider may also be used by the Electric Provider or its wholly owned subsidiary or other broadband provider, for the purpose of supplying high-speed broadband service. An approved Broadband Provider with a current pole attachment agreement with the Electric Provider to which it is attaching may use the Electric Provider's above ground easement for the purpose of providing high speed broadband service. The Oklahoma Legislature finds that Electric Providers, their subsidiaries, and Approved Broadband Providers should be permitted to use existing utility easements owned, held, or otherwise used by Electric Providers to provide or expand access to broadband services. Consequently, the installation and operation of broadband services within their

electric easements are merely changes in the manner or degree of the granted use as appropriate to accommodate a new technology and, absent any applicable express prohibition contained in the instrument conveying or granting the electric easement, shall be deemed as a matter of law to be a permitted use within the scope of every Electric Provider. Subject to compliance with any express prohibitions in an Electric Provider's easement, and in compliance with this act, the Electric Provider and/or an Approved Broadband Provider may use the electric easement to install, maintain, lease, and operate broadband services. Provided, however, that any Electric Provider owning an electric easement may assess fees and charges and impose reasonable conditions on the use of its facilities within such electric easement for the purpose of providing or supporting broadband services.

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

OWRB/Water Quality Standards: [HB 1982](#) by Rep. Carl Newton (R-Cherokee) removes the requirement that the Oklahoma Water Resources Board (OWRB) develop and submit a report to the Legislature every other year about the status of water quality monitoring in Oklahoma. The bill also removes OWRB's ability to promulgate water quality standards for state waters and classify such waters according to their best use.

The bill passed the House Energy & Natural Resources Committee on Wednesday by a [vote](#) of 17 to 0.

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.

The bill passed the House County & Municipal Government Committee on Monday by a [vote](#) of 7 to 0.

Law Enforcement/Deadly Force: [HB 2049](#) by Rep. David Hardin (R-Stilwell) modifies the definition of "dwelling" to mean the parcel of land to the property lines and any building or structure erected thereon, of whatever form, regardless of whether movable or temporary, which is for the time being the residence or place of lodging of the person.

The bill passed the House Criminal Justice & Corrections Committee on Wednesday by a [vote](#) of 4 to 0.

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.

The bill passed the House States' Powers Committee on Wednesday by a [vote](#) of 7 to 2.

Law Enforcement/Assistance for Drug or Alcohol Overdose: [HB 2110](#) by Rep. Daniel Pae (R-Lawton) prohibits a peace officer from taking into custody a person who administers naloxone hydrochloride to, an individual, including himself or herself, who appeared to be in need of medical assistance due to a drug or alcohol overdose. A person who meets the criteria shall not be subject to revocation or probation, pretrial release, or parole, or otherwise penalized, nor shall the person's property be subject for forfeiture based solely on this offense. The act of seeking emergency medical assistance for someone who is experiencing a drug or alcohol overdose shall be considered by court as a mitigating factor in any criminal prosecution for which immunity is not provided.

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

Police Pension & Retirement System: [HB 2131](#) by Rep. John George (R-Newalla) requires the employer and employee contributions to the Oklahoma Police Pension Retirement System (OPPRS) to be remitted online. The bill prohibits any of the funds of the System to be applied to a Child Support Enforcement Division order for a support arrearage pursuant to Section 240.23 of Title 56 of the Oklahoma Statutes and current child support payments made pursuant to a valid court order.

The bill passed the House Banking, Financial Services and Pension Committee on Monday by a [vote](#) of 11 to 0.

Firearms/School Property: [HB 2139](#) by Rep. Kevin McDugle (R-Broken Arrow) and Sen. David Bullard (R-Durant) authorizes a board of education of a school district to adopt a policy for school personnel to carry a handgun on public school property.

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

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.

The bill passed the House Government Modernization & Technology Committee on Tuesday by a [vote](#) of 9 to 1.

Law Enforcement/Larceny: [HB 2153](#) by Rep. Ross Ford (R-Broken Arrow) lowers the threshold amount that constitutes grand larceny from One Thousand Dollars (\$1,000.00) to Seven Hundred Fifty Dollars (\$750.00). Upon a third or subsequent conviction of petit larceny, the person shall be found guilty of a felony.

The bill passed the House Criminal Justice & Corrections Committee on Wednesday by a [vote](#) of 4 to 0.

Law Enforcement/Violence against Medical Care Providers: [HB 2154](#) by Rep. Cynthia Roe (R-

Lindsay) amends the definition of medical care provider to include any other employees or independent contractors working in or for a health care facility. Every hospital, health clinic and ambulance services are required to report all assaults on all medical care providers in the facility or on facility property to the State Department of Health on an annual basis without any identifying information regarding the individual who was assaulted or who committed the assault. The following data shall be provided: an aggregate number of individuals assaulted annually; the type of assault, either verbal, physical, and/or sexual; role of the perpetrator, either coworker, patient, or patient's family; and location of the assault. The Department of Health shall not publish any identifiable information should they receive any. They are also required to publish on its website on an annual basis aggregate numbers for the data collected.

The bill passed the House Judiciary - Criminal Committee on Wednesday by a [vote](#) of 7 to 0.

Medical Care Providers/Personal Information: [HB 2172](#) by Rep. Cynthia Roe (R-Lindsay) adds medical care providers to the list of individuals that are protected from having their electronic communication devices to public identifying information. However, it shall not apply when the incident is unrelated to the provider's professional duties. "Medical care provider" means a doctor, resident, intern, nurse, nurse practitioner, nurses' aide, ambulance attendant or operator, paramedic, emergency medical technician, laboratory technician, radiologic technologist, physical therapist, physician assistant, chaplain of a health care facility, volunteer of a health care facility, pharmacist, nursing student, medical student, member of a hospital security force, and any other employee or contractor working in or for a health care facility.

The bill passed the House Judiciary - Criminal Committee on Wednesday by a [vote](#) of 7 to 0.

Police Pension & Retirement System: [HB 2174](#) by Rep. Ross Ford (R-Broken Arrow) creates a minimum interest rate of seven and one-half (7.5%)

percent per year for participants in the Oklahoma Police Pension and Retirement System.

The bill passed the House Banking, Financial Services and Pension Committee on Monday by a [vote](#) of 11 to 0.

Preemption/Drug Shows: [HB 2186](#) by Rep. Kevin West (R-Moore) makes it unlawful for a person to engage in an adult cabaret performance which is harmful to minors or to organize or authorize the viewing of an adult cabaret performance which is harmful to minors on public property or in a location where the adult cabaret performance could be viewed by a minor. Violations are a felony punishable by imprisonment with DOC for not less than thirty (30) days nor more than two (2) years, a fine of not less than Five Hundred Dollars (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or both. Persons who organize or authorize such an event on public property may also be charged with a crime. Violation is a misdemeanor, punishable by up to 1 year in the county jail, a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) or both. The bill also preempts any ordinance, regulation or restriction that was lawfully adopted or license that was issued by a political subdivision prior to the effective date of this act that is in conflict with the provisions of this section of law.

The bill passed the House Judiciary - Criminal Committee on Wednesday by a [vote](#) of 5 to 2.

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.

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

Public Utilities/Road & Highway Construction/Natural Gas: [HB 2241](#) by Rep. Mike Dobrinski (R-Kingfisher) provides that rural water districts, nonprofit water corporations, and municipal public water systems in municipalities with a population of ten thousand (10,000) people or less are exempt from having to pay for any expenses related to removing or relocating water and sewer facilities in public rights-of-way due to a construction project on a county road or highway that is maintained by the county. The bill establishes that rural water districts, nonprofit water corporations, and municipal public water systems in municipalities with a population of fifteen thousand (15,000) people or less and natural gas systems that serve less than ten thousand (10,000) customers are exempt from paying for costs related to removing or relocating natural gas, water and sewer facilities in public rights-of-way due to state highway or turnpike construction projects.

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

Sales Tax Exemption/Disabled Veterans/Surviving Spouse: [HB 2312](#) by Speaker Pro Tempore Kyle Hilbert (R-Bristow) amends 68 O.S. Section 1357(34) allowing the surviving spouse of a one hundred percent (100%) disabled veteran to claim the surviving spouse sales tax exemption even if the one hundred percent (100%) disability determination isn't finalized until after the death of the veteran.

The bill passed the House A&B Committee on Wednesday by a [vote](#) of 31 to 0.

Sales Tax Exemption/Rolling Stock/Sunset: [HB 2317](#) by Speaker Pro Tempore Kyle Hilbert (R-Bristow) moves the sunset date on the sales tax exemption of rolling stock to July 1, 2029.

The bill passed the House A&B Committee on Wednesday by a [vote](#) of 33 to 0.

Sales Tax Exemption/Farming & Livestock: [HB 2350](#) by Rep. Eddy Dempsey (R- Valliant) amends the definition of "agricultural products" to include timber. It also defines "farming" or "farm" to include the production of timber, seedling production, and forestry management and the definition of "livestock" includes the breeding of game animals, which are animals bred to be hunted for sport or food.

The bill passed the House A&B Finance Subcommittee on Monday by a [vote](#) of 9 to 0. The bill moves to the House A&B Committee.

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.

The bill passed the House Transportation Committee on Tuesday by a [vote](#) of 8 to 3.

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.

The bill passed the House Children, Youth & Family Services Committee on Tuesday by a [vote](#) of 7 to 0.

Public Finance/Proxy Voting: [HB 2547](#) by Rep. Terry O'Donnell (R-Catoosa) requires all shares held directly or indirectly by or on behalf of a governmental entity and/or the participants and their beneficiaries to be voted solely in the pecuniary interest of plan participants and their beneficiaries. A governmental entity is prohibited from relying on any voting decision guidance from a company on a restricted financial institution and company. A governmental entity may not grant proxy voting authority to any person who is not a part of the

governmental entity. Public retirement system assets shall not be entrusted to a fiduciary unless the fiduciary has a practice of matches the governmental entity's obligation to act solely upon pecuniary factors. All proxy votes shall be tabulated and reported annually to the State Treasurer.

The bill passed the House Energy & Natural Resources Committee on Wednesday by a [vote](#) of 16 to 0.

Construction Industries Board/OUBCC: [HB 2556](#) by Rep. Mark McBride (R-Moore) authorizes the Construction Industries Board to implement the Oklahoma Uniform Building Code Commission (OUBCC). The bill also repeals the Chief Executive Officer and legal advisor positions for OUBCC.

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

Emergency Price Stabilization Act: [HB 2561](#) by Rep. Mark McBride (R-Moore) and Sen. John Montgomery (R-Lawton) adds natural gas to the list of commodities to price increase limitations during the declaration of emergency by the Governor.

The bill passed the House Energy & Natural Resources Committee on Wednesday by a [vote](#) of 16 to 0.

Construction Industries Board/Sunset: [SB 61](#) by Sen. Julie Daniels (R-Bartlesville) extends the sunset date for the Construction Industries Board (CIB) to July 1, 2026.

The bill passed the Senate on Tuesday by a [vote](#) of 46 to 1. The bill moves to the House.

Civil Procedure/Costs: [SB 79](#) by Sen. Brent Howard (R-Altus) and Rep. Chris Kannady (R-OKC) modifies procedures for offers of judgment. The bill establishes deadlines for filing of certain offers and provides for inadmissibility of unaccepted offers. The bill repeals 12 O.S. 2001, Sections 1101.1 and 1106.

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

Sales Tax Exemption/Marijuana/Agricultural Products: [SB 133](#) by Sen. David Bullard (R-Durant) amends the definition of "agricultural products" by excluding the growing, harvesting, and processing of medical marijuana.

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

Alcoholic Beverages/City Limits: [SB 155](#) by Sen. Bill Coleman (R-Ponca City) allows retail spirits licensees to operate within a city or town with less than two (200) people if such licensees are located within two (2) miles of the city limits of a city or town with a population in excess of twenty thousand (20,000).

The bill passed the Senate Business & Commerce Committee on Monday by a [vote](#) of 9 to 3.

Law Enforcement/School Drills: [SB 169](#) by Sen. Todd Gollihare (R-Kellyville) requires law enforcement officers and emergency medical service providers that serve an area in which a school district is located to be present and directly involved in minimum of one (1) security drill. School districts shall notify law enforcement officers and emergency medical service providers at least forty-eight (48) hours before conducting a security drill which they are expected to attend.

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

Mobile Food Vendor Act: [SB 185](#) by Sen. Micheal Bergstrom (R-Adair) creates the Mobile Food Vendor Act. The bill creates a separate license for mobile food vendors under the State Department of Health. Each applicant is required to submit information pertaining his or her name, primary residence, employment history, the nature of the products offered, and whether the applicant has been denied a license. Additionally, the bill requires an applicant to submit records pertaining to the applicant's driving history, insurance, a listing of all owned vehicles, and a copy of any additional licenses or permits required by this state for certain commercial vehicles. Mobile Food Vendors must possess a driver license to operate the mobile food

vending vehicle. The Department, or a political subdivision to conduct a health inspection of the applicant's proposed mobile vending site within 30 days of receiving the application. The Department may establish a schedule of fees not exceeding Two Hundred Dollars (\$200.00) for a license and renewal. Licenses shall be issued on an annual basis. The bill outlines acceptable locations wherein the vendor may operate and prohibits the vendor from operating in a manner or location which interferes with the free passage of pedestrians or vehicles along any street, sidewalk, or parkway.

The bill passed the Senate Health & Human Services Committee on Thursday by a [vote](#) of 10 to 2. The bill moves to the Senate Appropriations Committee.

Preemption/Internal Combustion Engines & Gas Fueled Stoves: [SB 202](#) by Sen. Nathan Dahm (R-Broken Arrow) prohibits the state or any political subdivision from outlawing the use of internal combustion engines and gas fueled stoves. The rights of individuals in Oklahoma to use internal combustion engines and gas fueled stoves shall be protected in Oklahoma.

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

Emergency Operations Plans: [SB 230](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Cynthia Roe (R-Lindsay) requires emergency operations plans to include a response to a catastrophic health emergency as defined in 63 O.S. 2021, Section 6104. The bill repeals 63 O.S. 2021, Section 6105, which is the Oklahoma Catastrophic Health Emergency Planning Task Force.

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

Tort Claims/Public Libraries: [SB 261](#) by Sen. Brent Howard (R-Altus) and Rep. Chris Kannady (R-OKC) modifies the definition of "political subdivision" under the Governmental Tort Claims Act to include public libraries.

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

Preemption/Emergencies/Places of Worship: [SB 272](#) by Sen. Nathan Dahm (R-Broken Arrow) prohibits the Governor or any official of a municipality, county, political subdivision from prohibiting or suspending activities in a place of worship during a declared state of emergency that is legal under state law.

The bill passed the Senate Public Safety Committee on Thursday by a [vote](#) of 8 to 3.

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 Appropriations Committee on Wednesday by a [vote](#) of 18 to 3.

Commercial Pet Breeders & Animal Shelter Licensing Act: [SB 349](#) by Sen. Jerry Alvord (R-Wilson) and Rep. David Hardin (R-Stilwell) 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 on Thursday by a [vote](#) of 45 to 2. It now moves to the House.

Law Enforcement/Mental & Behavioral Health Wellness Training: [SB 379](#) by Sen. Julie Daniels (R-Bartlesville) requires each law enforcement officer certified by the Council on Law Enforcement Education Training Council (CLEET) to complete a minimum of two (2) hours of continuing law enforcement education training accredited or provided by CLEET on maintaining mental and behavioral health wellness beginning January 1, 2024, of and each year thereafter. CLEET shall also include in its required courses of study for law enforcement certification a minimum of eight (8) hours' training on maintaining mental and behavioral health wellness.

The bill passed the Senate Public Safety Committee on Thursday by a [vote](#) of 12 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 Appropriations Committee on Wednesday by a [vote](#) of 19 to 2.

Oklahoma Religious Freedom Act/Substantial Burden: [SB 404](#) by Sen. Julie Daniels (R-Bartlesville) makes it a substantial burden to exclude any person or entity from participation in or receipt of governmental funds, benefits, programs, or exemptions based solely on the religious character or affiliation of the person or entity. A civil action brought under Section 1-745.55 of Title 63 of the Oklahoma Statutes shall not be subject to any provision of the Oklahoma Religious Freedom Act.

The bill passed the Senate General Government Committee on Thursday by a [vote](#) of 7 to 2.

Law Enforcement/Oklahoma Crime Victims Compensation Act: [SB 420](#) by Sen. Bill Coleman (R-Ponca City) and Rep. Clay Staires (R-Skiatook) increases the window to file certain claims with the Crime Victims Compensation Board from one (1) to five (5) years, establishes the Board shall not find an injury attributable to the victim where a self-inflicted injury is a result of the crime committed against the victim, and increases compensation.

The bill passed the Senate Judiciary Committee with the title stricken on Tuesday by a [vote](#) of 10 to 0. The bill moves to Senate Appropriations.

Sales Tax Exemption/Rolling Stocks/Sunset: [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 on Wednesday by a [vote](#) of 20 to 0.

First Responders/Photo & Video Sharing: [SB 480](#) by Sen. George Young (D-OKC) makes it unlawful for any first responder to share photographic images or video of a deceased individual taken while on the scene of the incident for any reason other than official law enforcement purposes. Any person convicted of violating this provision shall be guilty of a misdemeanor and subject to a maximum fine of One Thousand Dollars (\$1,000.00) and or a term of imprisonment not to exceed one (1) year.

The bill passed the Senate Public Safety Committee on Thursday by a [vote](#) of 12 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 the Senate Appropriations Committee on Wednesday by a [vote](#) of 21 to 0.

Underground Facilities Damage Prevention Act: [SB 497](#) by Sen. Lonnie Paxton (R-Tuttle) expands the term “excavate” as it relates to the Oklahoma Underground Facilities Damage Prevention Act to include the moving of earth by tools manipulated only by human power for burying communication lines of a communications provider in a private or public easement or right-of-way when depth is not greater than twelve (12) inches and within twelve

(12) inches of a communications provider terminal. The bill also adds the design or survey means a notice to facility operators to provide underground facility information during the design or engineering phase of a project to mitigate potential impact to existing underground facilities. When a design or survey notice is received, operators or their designee must provide underground facilities information with fourteen (14) calendar days from the time of the request which may include physical markings at the project site, facility mapping, or both. No excavation may take place on a design or survey notice. Operators shall provide the one-call notification center with the necessary information for notices to be sent to the appropriate person within their company or organization.

The bill passed the Senate Energy & Telecommunications Committee on Thursday by a [vote](#) of 9 to 0.

Preemption/Lewd Acts: [SB 503](#) by Sen. David Bullard (R-Durant) is a new law in 21 O.S. 1024 which prohibits municipalities from allowing or permitting a public display of lewd acts or obscene material including but not limited to Parades, Shows, and Concerts. (ex. OKC LGBTQ parade) Any person guilty is subject to a felony.

The bill passed the Senate General Government Committee on Thursday by a [vote](#) of 8 to 2. The bill moves to the Senate Appropriations Committee.

Sales & Special Event Permits: [SB 600](#) by Sen. Dave Rader (R-Tulsa) and Rep. John Pfeiffer (R-Mulhall) provides that an individual must be at least eighteen (18) years of age to obtain a sales tax permit. A parent or legal guardian may apply for a permit on behalf of individuals or sole proprietors 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 also requires, at least ten (10) days prior to the start of the event, promoters, and organizers to submit a list of all vendors registered to attend the event to the Tax Commission.

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

Elections/Candidate Filing Records: [SB 677](#) by Pro Tempore Greg Treat (R-OKC) declares the candidates place of residence and mailing address are not to be a public record. However, such address information shall be provided to a candidate, candidate representative, or other lawful authority in anticipation of or as part of a contest of candidacy or contest of an election or as part of a petition challenge as provided by law.

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

Preemption/Firearms: [SB 720](#) by Sen. George Burns (R-Pollard) provides that a firearm suppressor that is manufactured in Oklahoma is not subject federal law or federal regulations including registration, under the authority of the US Congress to regulate interstate commerce. A firearm suppressor manufactured and sold in Oklahoma must have "Made in Oklahoma" stamped on it. The bill prohibits any agency, municipality, or other political subdivision from adopting a rule, order, ordinance, or policy under which the entity enforces order, rule, or regulation that purports to regulate a firearm suppressor if the statute, order, rule, or regulation imposes a prohibition, restricting, or other regulation that does not exist under the laws of this state.

The bill passed the Senate Public Safety Committee on Thursday with the title stricken by a [vote](#) of 8 to 3.

Ambulance Service Provider Access Payment Program: [SB 744](#) by Sen. Roger Thompson (R-Okemah) and Rep. Kevin Wallace (R-Wellston) provides for supplemental Medicaid reimbursement on ground emergency transportation for services reimbursed through fee-for-service contracts and for services reimbursed through capitated contracts an amount to be determined with the approved directed payment pre-print, based on claims submitted. The bill authorizes a governmental entity to enter into and maintain an intergovernmental agreement with the Authority, as specified by the Authority.

The bill passed the Senate Health & Human Services Committee on Thursday by a [vote](#) of 11 to 0.

DEQ/Nuclear Energy Feasibility Study: [SB 847](#) by Sen. Nathan Dahm (R-Broken Arrow) and Rep. Brad Boles (R-Marlow) requires DEQ, on or before January 1, 2025, in coordination with the Office of the Secretary of Energy and Environment to conduct a study on the feasibility of establishing nuclear facilities in this state. The study shall include the state requirements as specified by the US Nuclear Regulatory Commission and any method federal agency approval. DEQ shall issue a report based on its findings and deliver to the Governor, Speaker, Pro Tempore, Chair of Senate Energy, and Chair of the House Energy and Natural Resources Committee no later than February 1, 2025.

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

Water/Basin Integrity/Instream Flow: [SB 851](#) by Sen. David Bullard (R-Durant) and Rep. JJ Humphrey (R-Lane) authorizes a basin integrity study to determine sustainable instream flow regimes tailored for certain basins in certain seasons in this state. Results of such studies shall meet the demand of consumptive and nonconsumptive uses, including, but not limited to, sustainable growth, water quality, tourism, economic development, agricultural, environmental, industrial, and municipal. A basin integrity study shall not be construed as a means to revoke private water rights or interfere with senior water permitting.

The bill passed the Senate Energy & Telecommunications Committee with the title stricken on Thursday by a [vote](#) of 6 to 5.

Oklahoma Aircraft Engine Testing Development Grant Program: [SB 942](#) by Sen. John Haste (R-Broken Arrow) and Rep. Kevin Wallace (R-Wellston) creates within the Oklahoma Aeronautics Commission, the Oklahoma Aircraft Engine Testing Development Grant Program to offer financial assistance by grant to private or public entities for the purpose of augmenting the aircraft engine testing capabilities of this state and developing aircraft engine testing infrastructure. Grant funding shall be administered based on merit and the potential for a specific project to enhance the aviation and aerospace industry of this state. A

grant under this program shall be a one-time award. There is to be appropriated Twenty Million Dollars (\$20,000,000.00) for the Aircraft Engine Testing Development Grant Program Revolving Fund.

The bill passed the Senate Aeronautics & Transportation Committee on Tuesday by a [vote](#) of 11 to 1. The bill moves to the Senate Appropriations Committee.

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 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 on Thursday by a [vote](#) of 47 to 0. The bill moves to the House.

Sale Tax Exemption/Custom Order Manufacturing: [SB 1068](#) by Sen. Brent Howard (R-Altus) and Rep. Brad Boles (R-Marlow) 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. 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 Appropriations Committee on Wednesday by a [vote](#) of 18 to 3.

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.

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

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 Appropriations Committee on Wednesday by a [vote](#) of 21 to 0.

Next Week at the Capitol

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

Monday, February 27, 2023

House A&B Natural Resources Subcommittee

10:30 a.m. in Room 5S2

Terry Peach North Canadian Watershed Restoration Act: [HB 2239](#) by Rep. Mike Dobrinski (R-Okeene) creates the Terry Peach North Canadian Watershed Restoration Act. There is a pilot program created to remove or eradicate invasive woody species in the North Canadian Watershed to be administered by the Oklahoma Conservation Commission. The Commission shall cooperate with landowners, state agencies and other political subdivisions for removal of invasive woody species. The Commission is authorized to promulgate any rules and procedures to effectuate the provisions of this section. The creation of a revolving fund in the State Treasury is designated the "North Canadian Watershed Revolving Fund" and consists of all monies received by the Conservation Commission from appropriations, federal grants or funds, municipal contributions, private contributions, and any other sources, including interest earned for duties associated with invasive woody species removal.

County & Municipal Government Committee

3:00 p.m. in Room 4S5

Oklahoma Hazard Mitigation Assessment District: [HB 1921](#) by Rep. Lonnie Sims (R-Jenks) permits the governing body of a county to create a hazard mitigation assessment district by the adoption of a resolution calling for the question to be placed before the registered voters of the county. To administer the hazard mitigation assessment district, the Hazard Mitigation District Trust Authority shall consist of seven (7) trustees which includes three members of the board of county commissioners, the mayor or other elected officials from three municipalities within the county selected by the board of county commissioners and one member at-large selected by the board of county commissioners. If the certified election results show

that greater than sixty percent (60%) to declare the district is established. The assessment levied shall be no greater than two (2) mills and does not apply to real property zoned for agricultural land use, livestock utilized in support of the family and personal property owned by for-profit agricultural business entities.

Planning & Zoning/Comprehensive Plans: [HB 2089](#) by Rep. Jon Echols (R-OKC) provides that decisions as to comprehensive and master plans, zoning classifications, and planned unit developments, and as to applications for amendments, changes, modifications, revisions, or applications relating to legislative municipal procedures, in which the municipal governing body shall refrain from arbitrary and unreasonable exercises of its police powers, and must conform to the following requirements: 1) municipal power to interfere by zoning or land use regulations with general rights of property owner is limited; 2) rezoning or land use applications shall not be denied on the sole basis of noncompliance with a comprehensive plan or master plan; 3) the notice and hearing provisions in Sections 43-104 through 43-106, are intended to provide members of the public with a right to be heard and explain how their interests are affected and bring to the attention of the governing body any objective, relevant and basic physical facts that may have been overlooked. However, decisions on land use applications shall not be based upon the presence, numbers or magnitude of opposition or protests to such applications; 4) in the case of denial of an application, the governing body shall identify on the record its basis for the denial; 5) where appeal through a legal or equitable proceeding is instituted by the applicant related to a zoning or land use application denial, and the court, in rendering a judgment for the plaintiff in such proceeding, determines there to be insufficient evidence supporting the municipal body's purported basis for the denial, the court shall determine an award to such plaintiff which includes the plaintiff's reasonable costs, disbursements, and expenses, including but not limited to reasonable attorney, consultant and engineering fees incurred because of such proceeding.

Tobacco Regulations/Youth Access: [HB 2165](#) by Rep. Cynthia Roe (R-Lindsay) authorizes cities and towns to enact and municipal police officers to enforce ordinances prohibiting and penalizing conduct for underage tobacco, nicotine, or vapor usage. A fine for this will not exceed Fifty Dollars (\$50.00) for a first offense or One Hundred Dollars (\$100.00) for subsequent offenses and the violator must attend an educational program or class to deter the unlawful conduct or an alternative program as determined by the court. The court may make referrals if services are needed by the violator and may require other community service, services for the violator, or additional programs or classes as determined by the court to meet the needs of the violator.

House Elections & Ethics Committee
3:00 p.m. in Room 5S2

Election Date Changes: [HB 1823](#) by Rep. Sherrie Conley (R-Newcastle) moves general municipal elections from the first Tuesday in April to the first Tuesday after the first Monday in November. Primary elections would move from February to June with filing for the elections in April in odd-numbered years. The bill requires general municipal elections, including those held by any county, school district, technology center school district, municipality, fire protection district or other political subdivision to be held on the first Tuesday after the first Monday in November in each odd-numbered year. That also moves primary elections for any political subdivision that can call elections to be held on the second Tuesday of June in each odd-numbered year, moved from February. For individuals wanting to file a declaration of candidacy, they must do that between the first Monday in April and the next succeeding Wednesday in odd-numbered years. On the corresponding days, a General Election or Primary Election may be held as determined by the Legislature.

Prohibit the Private Funding of Elections Act: [HB 2682](#) by Rep. Mark Lepak (R-Claremore) creates the Prohibit the Private Funding of Elections Act. No person shall offer or provide any contribution, donation, or anything else of value for purposes of conducting or administering any election pursuant

to the provisions of this title. The following shall not be considered a contribution, donation, or thing of value: providing space or property for use as a polling place or for in-person absentee voting for free or at below-market price; people who volunteer as precinct officials, absentee voting board members, or as election workers; people who volunteer to assist the county election board or the State Election Board; people who serve as unpaid interns or volunteer to get community service credit or school credit; food or beverage items provided to precinct officials, absentee voting board members, or election officials; nominal value items including pens, sanitizer, and cleaning supplies; and airing or publication of public service announcements or press releases issued by the State Election Board or a county election board. The bill sets penalties for anyone who violates this Act.

Election Date Changes: [HB 2685](#) by Rep. Neil Hays (R-Checotah) amends dates in which a political subdivision authorized to call elections for any purpose. Elections can be called the second Tuesday of August in an odd-numbered year and the first Tuesday after the first Monday of November in an odd-numbered year. A special election called by the Governor must only be set on the second Tuesday of January, February, May, June, July, August, September, and October and the first Tuesday in March and April as well as the first Tuesday after the first Monday in November in odd-numbered years. The Governor may call a special election on the second Tuesday of January and February, the first Tuesday in April, and the date of any regularly scheduled state or federal election. The bill removes the authorization for a municipality with a population of more than two hundred fifty thousand (250,000) people to hold an election on the second Tuesday or December in odd-numbered years. The bill requires that any school district, technology center district, municipality, rural fire protection district or any other entity seeking to hold a special election for the purpose of filling a vacancy must schedule a three (3) day candidate filing period that begins not more than ten (10) days following the date the resolution calling the election is required to be filed.

Tuesday, February 28, 2023
House Public Safety Committee
10:30 a.m. in Room 4S5

Firearms/Oklahoma Self-Defense Act: [HB 1789](#) by Rep. Danny Williams (R-Seminole) authorizes a citizen or lawful permanent resident who can lawfully purchase or possess a firearm, to carry or transport a concealed or unconcealed firearm. The bill removes the requirement for a person to receive a handgun license from OSBI as well as the age limit and military identification. An individual is authorized to carry as long as they are in possession of a state photo identification card, driver license, or valid handgun license. The firearm must be concealed or unconcealed in compliance with the laws of this state. When coming into contact with law enforcement officer and upon instruction from the law enforcement officer, the person must disclose the fact that he or she is in possession of a firearm.

Law Enforcement/Verbal Warnings: [HB 2041](#) by Rep. Monroe Nichols (D-Tulsa) allows a law enforcement officer who comes into contact with a person who has a misdemeanor warrant to issue a verbal warning about the existence of the warrant and advise the defendant to contact the clerk of the court to resolve the outstanding warrant. All verbal warnings shall be documented by law enforcement on a department-issued warning ticket or arrest the defendant and take him before a magistrate in that county.

Law Enforcement Mental Health Manpower Act: [HB 2157](#) by Rep. Cynthia Roe (R-Lindsay) removes the provision stating an officer does not have to make a written statement if the officer does not take an individual into protective custody. The bill also creates the Shannon Hanchett Act requiring at least twenty percent (20%) of all active-duty peace officers to complete crisis intervention training, in addition to any other required mental health training as prescribed by the Department of Mental Health and Substance Abuse Services. Any person who appears to be or states that such person is mentally ill, alcohol-dependent, or drug-dependent to a degree that no immediate emergency mental health treatment is necessary, may be taken into custody and placed in county detention center

without a mental health evaluation or mental health treatment, provided such reasoning is documented by the peace officer.

Law Enforcement/CLEET: [HB 2374](#) by Rep. Chris Kannady (R-OKC) modifies who is authorized to provide non-classroom training for law enforcement officers to include counties and municipalities.

Firearm/Pointing: [HB 2590](#) by Rep. Daniel Pae (R-Lawton) clarifies the way a loaded or unloaded pistol or handgun should be carried. If the pistol or handgun is not held in the hand, but rather is carried on the person in a holster or sling in a general vertical position where the barrel of the handgun is safely pointed in an up or down direction, or in a case designed for carrying firearms. The provisions do not apply while lawfully at a gun range, while lawfully hunting, lawfully using a firearm or during an act of self-defense.

Fire Investigations: [HB 2757](#) by Rep. Stan May (R-Broken Arrow) authorizes the fire chief in every city, town or district in which a fire department is established or the mayor of the city or town where no fire department exists, or the sheriff of the county by which property has been destroyed or damaged to investigate as to whether the cause of the fire was accidental or intentional within forty-eight (48) hours of such fire. The officer making the investigation of fires shall within a week of the occurrence of the fire complete a written statement of all acts relating to the cause and origin of the fire and shall within forty-eight (48) hours of the occurrence of such fire report to the State Fire Marshal all civilian and firefighter injuries and fatalities resulting from the occurrence of such fire.

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

Preemption/Agreements: [HB 1378](#) by Rep. Tom Gann (R-Inola) and Sen. Nathan Dahm (R-Broken Arrow) except as provided by subsection B of this section, the bill prohibits any state governmental entity or political subdivision having the state as a beneficiary from entering into any agreement with a person, partnership, limited partnership, limited liability partnership, corporation, company, trust or other legal entity that prohibits the governmental

entity from making full disclosure of the terms of agreement with such entity to make payment to or confer value upon the entity using an incentive tax credit, direct or indirect payment, grant or similar benefit offered to such entity if the benefit is provided through the use of state taxes. Provisions of the bill do not require a state governmental entity or a public trust having the state as its beneficiary to disclose information of a proprietary nature with respect to a for profit business entity if such information, such as trade secrets, the cost of inputs used or consumed by the business entity, the labor costs of the for profit business entity, or information related to profit margins on goods or services sold by the for profit business entity.

Local Development Act/Public Approval: [HB 1379](#) by Rep. Tom Gann (R-Inola) and Sen. Nathan Dahm (R-Broken Arrow) requires the governing body to submit the proposed district or proposed plan to the voters of the applicable jurisdiction. If the district, plan, or project is sponsored by a county, the question for creation of the district, plan or project shall be submitted to a vote of the eligible voters of the county. If the district, plan, or project is sponsored by a city or town, the question for creation of the district, plan or project shall be submitted to a vote of the eligible voters of the applicable city or town. No district, plan or project shall be created or approved unless a majority of the eligible voters voting on such question as provided by this subsection approve the creation of the district. The bill removes the ability to discuss confidential information regarding proposed plans in executive session. The bill also changes references to blight to underdeveloped areas.

Preemption/Internal Combustion Engines: [HB 2135](#) by Rep. Mark Lepak (R-Claremore) creates the Oklahoma Right to Drive Act. For purposes of promoting commerce and the equitable treatment of the citizens of this state, limitations on the sale, purchase, trade, or usage of any motor vehicle which utilizes an internal combustion engine as a means of propulsion by any city, town, county, or subdivision thereof is declared a statewide concern and shall be prohibited from any regulation by a city, town, county, or subdivision.

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.

Open Records Requests: [HB 2730](#) by Rep. Annie Menz (D-Norman) provides that if a records request cannot be completed within ten (10) business days of the request, a person 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.

Wednesday, March 1, 2023

House Criminal Justice & Corrections Committee

10:30 a.m. in Room 4S5

Law Enforcement/Peer Support Counseling: [HB 2591](#) by Rep. John Talley (R-Stillwater) deletes provisions when peer support counseling sessions conducted by an employee or other person should apply to include when there is any admission of criminal conduct or any admission of a plan to commit a future crime.