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OML Priorities Become Law

The end of the First Session of the 59th Legislature is near. This week the Legislature started off slowly as they prepare to negotiate the budget. While many of the bills will go through the conference committee process, other bills are being heard in the respective house of origin and moving to Governor Stitt's desk. His pen has been busy acting on several bills, with two of those being OML's priority issues regarding Tobacco Regulations/Youth Access as well as Municipal Liens.

Tobacco Regulations/Youth Access: [HB 2165](#) by Rep. Cynthia Roe (R-Lindsay) and Sen. Bill Coleman (R-Ponca City) requires an individual who is under twenty-one (21) who purchases, receives, or possess a tobacco, nicotine, or vapor product or attempts to purchase any of these products using false proof of age to complete an education or tobacco use cessation program approved by the court. If the violator fails to complete the court ordered program, a fine not to exceed Fifty Dollars (\$50.00) may be imposed or a fine not to exceed One Hundred Dollars (\$100.00) may be imposed for subsequent offenses. The violator may also be required to complete a community service program or other appropriate programs or services as the court orders. To ensure all programs and court order are followed, the court will have jurisdiction over the violator for 12 months. The measure authorizes cities and towns to enact and municipal police offices to enforce ordinances that prohibit and penalize conduct that violates this law.

The bill takes effect on November 1, 2023.

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 takes effect on November 1, 2023.

OML Priority Headed to Conference

(OML Priority) Law Enforcement/Drug Offenses: [SB 108](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Ross Ford (R-Broken Arrow) 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. The court may, without entering a judgment of guilty with the consent of the defendant, defer further proceeding upon the specific conditions prescribed by the court not to exceed a three (3) year period. The court is authorized to order the defendant to complete a diversion program in lieu of other punishments. The bill also provides that any person convicted of possessing or selling multiple Schedule I or Schedule II substances for the second (2nd) time within ten (10) years of the last conviction shall be guilty of a misdemeanor and required to complete a diversion program for up to one (1) year following the conviction. A third conviction shall subject the offender to a minimum of thirty (30) days in the county jail and a fine not exceeding One Thousand Dollars (\$1,000.00). These individuals may be required to complete a diversion program for up to three (3) years. The bill provides that any person convicted of possessing or selling multiple Schedule I or Schedule II substances for the fourth (4th) time within ten (10) years of the last conviction shall be guilty of a felony and subject to a term of imprisonment not exceeding five (5) years and/or a fine not to exceed Five Thousand Dollars (\$5,000.00).

The Senate rejected the House amendments on May 3rd and requested that it go to conference.

Bills Signed by Gov. Stitt

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 takes effect on November 1, 2023.

Law Enforcement/Trespassing: [HB 1737](#) by Rep. Tammy Townley (R-Ardmore) and Sen. John Montgomery (R-Lawton) 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 takes effect on November 1, 2023.

Firearms/Oklahoma Self-Defense Act: [HB 1789](#) by Rep. Danny Williams (R-Seminole) and Sen. Nathan Dahm (R-Broken Arrow) 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 a 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.

The bill takes effect on November 1, 2023.

Hazard Mitigation Financial Assistance: [HB 1928](#) by Rep. Lonnie Sims (R-Jenks) and Sen. Dave Rader (R-Tulsa) creates the Hazard Mitigation Financial Assistance Fund within the Oklahoma Water Resources Board for the purpose of providing grants for hazard mitigation. In addition to other lawful purposes, monies placed in the Fund, exclusive of such amounts of interest derived from investment deposits necessary to maintain the grant account, may be used by OWRB to implement hazard mitigation planning and projects. Eligible entities are able to use the grants to develop an approved local/regional hazard mitigation planning document, acquire land or conservation easements to mitigate hazards, and implement voluntary

incentive-based hazard mitigation measures to facilitate compliance with state or national regulations. The bill also clarifies language and broadens the applicability of this measure from flood hazard mitigation projects to include other hazard mitigation projects.

The bill takes effect on November 1, 2023.

Water Quality Standards: [HB 1982](#) by Rep. Brad Boles (R-Marlow) and Sen. Lonnie Paxton (R-Tuttle) removes the requirement that the Oklahoma Water Resources Board 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 takes effect on November 1, 2023.

Law Enforcement/Fentanyl/Drug Paraphernalia: [HB 1987](#) by Rep. Mickey Dollens (D-OKC) and Sen. Dave Rader (R-Tulsa) 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 takes effect on November 1, 2023.

Transportation/Mopeds: [HB 2133](#) by Rep. John George (R-Newalla) and Sen. Darrell Weaver (R-Moore) modifies the definitions of autocycles, mopeds, motorcycles, and motor-driven cycles by including electric motors for each type of conveyance. The bill also allows a person fourteen (14) years of age or older to operate an electric powered motor-driven cycle with not to exceed three hundred cubic centimeters (300 cc) or a sixteen and eight-tenths (16.8) kilowatt electric power source. If the power source is an electric motor, the motor shall not exceed seven hundred fifty (750) watts.

The bill takes effect on November 1, 2023.

Healthcare Facility Violence: [HB 2154](#) by Rep. Cynthia Roe (R-Lindsay) and Sen. Kristen Thompson (R-Edmond) amends the definition of medical care provider to include any other employees or independent contractors working in or for a health care facility. The bill prohibits assault on any medical care providers, other employees or independent contractors working in or for a health care facility and performing medical care duties. The medical facilities are required to report assault data to the Department of Health by January 31st of the following year. Reports are to withhold the identities of both the victim and assailant. The Department of Health is authorized to publish the data on its website on an annual basis.

The bill takes effect on November 1, 2023.

Medical Care Providers/Personal Information: [HB 2172](#) by Rep. Cynthia Roe (R-Lindsay) and Sen. Kristen Thompson (R-Edmond) 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 takes effect on November 1, 2023.

Utilities/Exemption for Victims of Certain Crimes: [HB 2242](#) by Sen. Mike Dobrinski (R-Kingfisher) and Sen. Adam Pugh (R-Edmond) allows 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 to be exempt from the public utility's initial credit and

deposit requirements as established by the public utility.

The bill went into effect on May 2, 2023.

Law Enforcement/High School Courses: [HB 2265](#) by Rep. Ronny Johns (R-Ada) and Sen. Darrell Weaver (R-Moore) authorizes a school district to offer to students in grades eleven and twelve an elective course in law enforcement. The law enforcement elective course shall include, at a minimum: a general introduction into law enforcement training; critical skills and entry requirements for law enforcement professionals; and career opportunities in law enforcement. The State Board of Education may coordinate with CLEET to develop the curricula and materials for this elective course.

The bill takes effect on November 1, 2023.

Preemption/Child Care Facilities: [HB 2452](#) by Rep. Suzanne Schreiber (D-Tulsa) and Sen. Jessica Garvin (R-Duncan) 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 child care home licensee by DHS.

The bill takes effect on November 1, 2023.

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 went into effect on May 2, 2023.

OK Local Development & Enterprise Zone Incentive Leverage Act: [SB 317](#) by Sen. Dewayne Pemberton (R-Muskogee) and Rep. Chris Sneed (R-Fort Gibson) establishes reporting requirements for local governmental entities that approve a project plan pursuant to the provisions of the Local Development Act within an enterprise zone or in support of a major tourism destination project to include: the name of the increment or incentive

district, whether the increment or incentive district was created by a municipality or county government, a map with a defined boundary, the length of the project and its date of expiration, the base assessed value, the total annual value of the increment, and a list of the taxing jurisdictions affected and their respective total millage levies. The report developed shall be provided to each taxing jurisdiction affected by the increment or incentive district.

The bill takes effect on November 1, 2023.

Oklahoma Religious Freedom Act/Substantial Burden: [SB 404](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Jon Echols (R-OKC) 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 takes effect on November 1, 2023.

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

The bill takes effect on November 1, 2023.

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 takes effect on July 1, 2023.

Police, Fire, and Law Enforcement Retirement Systems/IRS Compliance: [SB 630](#) by Sen. John Montgomery (R-Lawton) and Rep. Mark Lepak (R-Claremore) updates the statutory compliance for the Oklahoma Police Pension and Retirement System, the Oklahoma Firefighter Pension and Retirement System, and the Oklahoma Law Enforcement System with the federal regulations by the IRS.

The bill went into effect on May 1, 2023.

[Catalytic Converter Theft Became Law without Stitt's Signature](#)

On Monday, HB 1328 regarding catalytic converter theft became law without Governor Stitt's signature. [HB 1328](#) by Rep. Suzanne Schreiber (R-Tulsa) and Sen. Dave Rader (R-Tulsa) provides that any equipment used or intended to be used to commit any act of catalytic converter theft, copper theft, and any violation of the Oklahoma Scrap Metal Dealers Act, including any monies derived from proceeds due to catalytic converter theft, copper theft, or violations of the Oklahoma Scrap Metal Dealers Act are subject to forfeiture.

The bill takes effect on November 1, 2023.

Bills Sent to Gov. Stitt's Desk

Law Enforcement/Verbal Warnings: [HB 2041](#) by Rep. Monroe Nichols (D-Tulsa) and Pro Tempore Greg Treat (R-OKC) 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.

The bill was sent to Governor Stitt on Tuesday.

Underground Facilities Damage Prevention Act: [SB 497](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Trey Caldwell (R-Lawton) 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 was sent to Governor Stitt on Monday.

Bills on the Move

Snapshot of bills impacting cities and towns

Law Enforcement/Students/Violent Crime: [SB 126](#) by Sen. David Bullard (R-Durant) and Rep. Sherrie Conley (R-Newcastle) in the course of an arrest for a violent crime, it is discovered that the person being arrested is a student of 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 and related information 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, each school district shall include in its student's enrollment and transfer documentation a request for information regarding any arrest of a student for a violent crime. Failure to provide the information shall not prohibit the enrollment or transfer of the student.

The Senate rejected the House amendments on Wednesday. The bill is headed to conference committee.

Public Libraries/School Libraries/Materials: [SB 397](#) by Sen. Warren Hamilton (R-McCurtain) and Rep. Sherrie Conley (R-Newcastle) requires the Oklahoma Department of Libraries (ODL) to develop uniform procedures to be approved by the Legislature and adopted by school districts for the review and acquisition of collection materials. It shall be the duty of each school district to enforce the provisions of this section. The ODL is required to submit the procedures to the Legislature prior to the last thirty (30) days of the 2024 legislative session. Through a joint resolution, the Legislature must approve, disapprove in whole or part, or amend in whole or part, the procedures. If the Legislature disapproves, or has instructions for changes, the ODL may make revisions and resubmit the procedures. Beginning September 1, 2023, school districts, charter schools, and public libraries shall

appoint a committee to conduct an inventory of print and nonprint materials and media located in their libraries. A library media specialist employed by a school district or charter school shall be included on the committee. The inventory shall be completed by July 1, 2024. The bill directs the materials and media to be given the designations of "elementary," "junior high," "under 16," and "juniors and seniors" based on their content. School districts and charter schools beginning July 1, 2024, are directed to include only materials and media with certain designations in certain school libraries. The measure directs materials and media designated as "juniors and seniors" to be placed in a section of the library only accessible to librarians, teachers, and other school staff, and a student can only access the material or media with written consent from a parent or legal guardian. The bill directs public libraries beginning July 1, 2024, to place the materials and media designated "juniors and seniors" in a section of the library only accessible to staff, and such material and media are only accessible to an individual under the age of 18 with written consent from a parent or legal guardian. Beginning July 1, 2024, it prohibits school district and charter school libraries and public libraries from including content that the average person aged eighteen (18) or older applying contemporary community standards would find has a predominant tendency to appeal to a prurient interest in sex.

The Senate rejected the House amendments on Wednesday. The bill is headed to conference committee.

Sales Tax Exemption/Nonprofits: [SB 406](#) by Sen. Dave Rader (R-Tulsa) and Rep. Jeff Boatman (R-Tulsa) provides a sales tax exemption to a nonprofit organization that primarily functions to prevent child abuse and neglect through education, treatment, and advocacy and operates a facility that offers community-based services for abused or neglected children from birth through eighteen (18) years of age. To be eligible for the exemption, an organization must submit documentation to the Oklahoma Tax Commission to verify its eligibility. The bill also expands the sales tax exemption currently provided to an organization that provides

school supplies or articles of clothing for underserved students attending grades pre-K through 12 at public schools in this state. The exemption 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 organization's primary and principal purpose. The exemption shall apply to the 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 expansion allows products or services purchased for the construction of a facility that will be placed in service in 2023 to be exempt from sales tax. The Oklahoma Tax Commission is required to refund the full amount of sales tax paid items that were previously purchased prior to the effective date of the act.

The Senate rejected the House amendments on Wednesday. The bill is headed to conference committee.

Fire Departments/Wildlife Reimbursement Revolving Fund: [SB 492](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. David Hardin (R-Stilwell) creates a fund for the Oklahoma Department of Agriculture, Food and Forestry (Department) designated as the Wildlife Reimbursement Revolving Fund. The Fund's purpose is to reimburse the expenditures of Oklahoma rural fire departments and the Oklahoma Forestry Service who participated in extinguishment efforts of fires that: 1) were not fully extinguished in the twenty-four (24) hours after their reporting; and 2) involved more than one rural fire department jurisdiction.

The Senate rejected the House amendments on Wednesday. The bill is headed to conference committee.

Oklahoma Public Employees Retirement System/Contribution Increase: [SB 632](#) by Sen. John Montgomery (R-Lawton) and Rep. Mark Lepak (R-Claremore) increases the employer retirement matching contribution from six percent (6%) to eight percent (8%) depending on the employee's

contribution amount. If an employee selects a contribution rate of eight percent (8%) or more, the employer matching amount shall be ten percent (10%).

The Senate rejected the House amendments on Wednesday. The bill is headed to conference committee.

Oklahoma Quality Events Incentive Act: [SB 746](#) by Sen. Bill Coleman (R-Ponca City) and Speaker Pro Tempore Kyle Hilbert (R-Bristow) modifies “quality event” as it relates to the Oklahoma Quality Events Incentive Act. The measure provides that events held in a county with a population of less than one hundred thousand (100,000) persons or in a municipality with a population of less than ten thousand (10,000) persons located in a county with a population exceeding one hundred thousand (100,000) persons shall not be held more than once per year and that twenty-five percent (25%) of its attendees shall be comprised of residents from outside this state. The bill limits events held along the route of or containing within its boundaries, a National Scenic Byway or State Scenic Byway, designated pursuant to the National Scenic Byways Program, pursuant to 23 U.S.C., Section 162, one driving related event per calendar year.

The Senate rejected the House amendments on Wednesday. The bill is headed to conference committee.

Sales & Use Tax/Sale of a Motor Vehicle: [SB 984](#) by Sen. Darcy Jech (R-Kingfisher) and Rep. Carl Newton (R-Cherokee) provides that if the sale of a motor vehicle includes in trade-in, gross receipts shall be calculated based only on the difference between the value of the trade-in vehicle and the actual sales price of the vehicle being purchased.

The Senate rejected the House amendments on Wednesday. The bill is headed to conference committee.