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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



**All Good Things Must Come to an End**

All good things must come to an end (sort of), the party’s over for now as the 1st Session of the 59th Legislature will adjourn Sine Die at 5 pm. But Special Session continues. The Legislature is moving through the process of Special Session to address the budget issues. A special thank you to everyone who called, emailed, and visited with your legislators at the Capitol and in their districts about bills with significant municipal impacts. With your help, we saw several pieces of positive legislation signed into law and several bad bills stopped. We are working on the annual Sine Die Report, which captures the major issues tracked by OML and will be available next month.

**Thank You – Governor Stitt Heard You on HB 2153**

On Monday morning, Governor Stitt took his pen and signed HB 2153. Thank you for reaching out to his office. [HB 2153](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Micheal Bergstrom (R-Adair) provides that any person convicted of a second offense within ten (10) years of the previous conviction relating to possessing, selling, or purchasing controlled dangerous substances may be ordered by the court to complete a diversion program for up to one (1) year following the date of conviction in lieu of other punishments. The program may include drug testing as a requirement. Any person convicted of a third offense within ten (10) years of the previous conviction shall be subject to a fine not exceeding One Thousand Dollars (\$1,000.00) and/or a term of imprisonment in the county jail not to exceed 30 days. The court may, with the consent of the defendant, order the defendant to complete a substance abuse assessment and evaluation and to complete a diversion program for up to three (3) years following the date of conviction.

## Comp Plan Preemption Stopped Again

The court may impose punishment as provided for in current law if the defendant refuses to complete the program. Any person convicted for a fourth offense within the ten (10)-year period shall be subject to a fine not to exceed Five Thousand Dollars (\$5,000.00) and/or a term of imprisonment for not less than one (1) year and not more than five (5) years. The court may order the defendant to complete a diversion program and, upon completing the program, change the felony charges to a misdemeanor.

The bill takes effect on November 1, 2023.

Governor Stitt also signed OML's priority Judge Certification bill on Monday. [SB 462](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Josh West (R-Grove) to the Governor. The bill prohibits appointing persons who are not a licensed attorney as a municipal judge beginning July 1, 2026. Non-attorney judges who were appointed prior to July 1, 2026, can continue to be reappointed if they complete the required certification program. The bill also allows municipal judges in cities with a population of more than two hundred thousand (200,000) people to engage in the practice of law in any other court during their tenure. The bill requires all current municipal judges to complete a certification program approved by the Oklahoma Municipal Judges Association by July 1, 2026. Municipal judges appointed after July 1, 2026, will have one (1) year to complete the certification program. If a municipal judge fails to complete their certification, the maximum fine a municipal court can impose on all traffic and criminal cases is Fifty Dollars (\$50.00). Municipal judges must file their Oklahoma Municipal Judge certifications with the county clerk and municipal court clerk. The bill also clarifies that a municipal judge in a court not of record is not an "officer" of the municipality according to Title 11 Section 1-102 and is not to be considered a state officer for the purpose of Title 51 Section 6. All municipal judges, including nonlawyer judges, are subject to the code of judicial conduct and legal ethics.

The bill takes effect on November 1, 2023.

On Thursday, the House heard a revised version of the comp plan pre-emption bill that would have required every council member to provide every reason on the record for a no vote on land use plat applications. This is cumbersome, unfair, and inappropriate for anyone but the City or Town Attorney to provide an official legal response. OML was able to meet with legislators prior to the vote and several members advocated for local control during debate. [HB 1599](#) was defeated on the floor of the House by a [vote](#) of 34 to 59.

Leader Echols used procedural motions to recapture the bill and move it back to the Conference Committee process to keep it alive for the next Session.

We know this issue will come back, so we will continue to work in the Interim to educate Legislators on why municipal zoning regulations are so critical to how cities and towns operate. This was framed as a measure to protect "property rights". We will continue to work with cities and towns to make sure they have reasonable zoning regulations in place and how to work with developers to ensure that the outcome is best for all parties.

Again, we appreciate all that you do to reach out to Legislators when we ask you to make calls. We could not be successful at the Capitol without YOU!

## Special Session - Budget Bills

With Sine Die approaching, the Legislature called themselves into Special Session for the purpose of running bills related to the State budget. This week a considerable amount of time was spent in Special Session as lawmakers tackled these budget issues. Below are the bills that will impact cities and towns:

**Dept. of Agriculture/Appropriation/Rural Fire/Winter Storm Funding:** [HB 1006X](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah) appropriates to the Oklahoma Department of Agriculture, Food and

Forestry in Enrolled HB 1004X, the sum of Two Million One Hundred Thousand Dollars (\$2,100,000.00), under the direction of the Commissioner of Agriculture, be used for providing grants to incorporated municipalities affected by the extreme weather event that began February 7, 2021 and ended February 21, 2021, as provided for in Enrolled SB 1091 of the 2nd Session of the 58<sup>th</sup> Oklahoma Legislature. The bill also includes an appropriation of Two Million Dollars (\$2,000,000.00) for wildland fire response resources, Six Million Nine Hundred Fifty Thousand Dollars (\$6,950,000.00) to rural fire departments for replacement of equipment and gear burned during fires including truck chassis, and One Hundred Thousand Dollars (\$100,000.00) shall, under the direction of the Commissioner of Agriculture, be allocated to rural fire coordinators to administer a wet hydrant program.

**DPS/Communications:** [HB 1012X](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah) authorizes the Oklahoma Capitol Improvement Authority (Authority) to utilize available funds from the Legacy Capital Financing Fund created by Enrolled HB 1002 of the 1st Extraordinary Session of the 59th Oklahoma Legislature, in the amount of: 1) Twenty Million Dollars (\$20,000,000.00) for the benefit of the Department of Public Safety to create an Oklahoma Wireless Information Network (OKWIN); and 2) Fifty-nine Million Five Hundred Sixty-four Thousand Four Hundred Nineteen Dollars (\$59,564,419.00) for the benefit of the Department of Public Safety for the construction of a centralized training center and related facilities and 3) Eight Million Dollars (\$8,000,000.00) for the benefit of the Department of Public Safety for facility upgrades, repair, expansion, and replacement of Oklahoma Highway Patrol facilities. The Authority may enter memoranda of understanding with agencies, departments, and subdivisions of the state as needed, to facilitate the provisions of this act, provided that such memoranda of understanding do not constitute a legal obligation of the State of Oklahoma or impede the administration of the provisions of the Legacy Capital Financing Act.

**OEM/Emergency Relief & Impacts Grants Program:** [HB 1017X](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah) creates a grant program at the Oklahoma Department of Emergency Management and Homeland Security named the "Emergency Relief and Impacts Grant Program". The grant program shall be used to either: 1) Provide effective service delivery or administrative needs to increase public sector capacity; or 2) Provide emergency relief from natural disasters or negative economic impacts of natural disasters, including immediate needs. Oklahoma Department of Emergency Management and Homeland Security may promulgate rules to administer the grant program. Such rules shall be consistent with the provisions of the American Rescue Plan Act of 2021, Public Law No. 117-2, Section 604, and guidance from the United States Department of Treasury.

**Emergency Relief and Impacts Grant Program Funding:** [HB 1020X](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah) appropriated to the Emergency Relief and Impacts Revolving Fund the sum of Twenty-Five Million Dollars (\$25,000,000.00) or so much thereof as may be necessary to administer the Emergency Relief and Impacts Grant Program. Such funds shall be utilized in a manner consistent with the recommendations adopted by the Joint Committee on Pandemic Relief Funding on May 19, 2023.

**Rural Economic Transportation Reliability & Optimization Fund:** [HB 1025X](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah) Rural Economic Transportation Reliability and Optimization Fund within the Dept. of Transportation to include new applicable projects.

**Oklahoma Housing Stability Program:** [HB 1031X](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah) Creates the Oklahoma Housing Stability Program to provide loans to incentivize the construction of low-income housing, granting preference to federally declared disaster areas.

**CLEET Building:** [HB 1032X](#) by Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah). Directs the Capitol Improvement Authority to use the Legacy Capital Fund for training facility construction and expansion for the Council on Law Enforcement Education and Training.

**Law Enforcement/Mental Health Transport Revolving Fund:** [SB 12X](#) by Sen. Roger Thompson (R-Okemah) and Rep. Kevin Wallace (R-Wellston) creates a Mental Health Transport Revolving Fund. As an alternative to transport under subsection B of this section for the sole purpose of initial assessment of a person who the officer reasonably believes is a person requiring treatment, as defined in Section 1-103 of this title, sheriffs and peace officers may request an assessment at the point of initial contact by the Department of Mental Health and Substance Abuse Services. To conduct the assessment, the Department may use telemedicine or an in-person assessment by a licensed mental health professional on a mobile crisis response team or who is employed by or under contract with a facility operated by, certified by or contracted with the Department. The Department or an entity contracted by the Department is responsible for transporting an individual if there is not an appropriate facility within 30 miles of the peace officer's headquarters or if the officer has already transported the individual to an appropriate facility for initial assessment. The officer is required to provide transport to the nearest appropriate facility if an individual self-presents at a facility, is placed into protective custody and needs an initial assessment or treatment. If the individual self-presents at a facility and is not placed under protective custody the facility is responsible for transportation. Once an individual has been received by the appropriate facility, the Department or an entity contracted by the Department is responsible for any subsequent transportation needs. If a facility director determines that an individual is not medically stable, the Department is required to immediately transport the individual to the nearest facility.

The bill passed the Senate on Wednesday by a [vote](#) of 44 to 0 and passed the House on Friday by a [vote](#) of 92 to 0.

## [Bills Signed by Gov. Stitt](#)

**Labor/Drug Testing:** [HB 1045](#) by Rep. Mark Lawson (R-Sapulpa) and Sen. Todd Gollihare (R-Kellyville) requires a drug screen testing facility to report single-use test results that meet the standard to be sent to the laboratory for confirmation testing to an employer's review officer or a designee of the employer's review officer, as soon as the results for the single-use test become available or the next working day. The final conclusion of the testing shall be reviewed, and the test certified as an accurate report by the responsible individual. The report shall identify the drugs and metabolites tested for, whether positive or negative and the cutoff for each specimen number assigned by the employer and the testing facility specimen identification number. The certified laboratory shall send the review officer the positive drug test results for attesting to the validity of the test reports.

The bill takes effect on November 1, 2023.

**Oklahoma Flood and Drought Management Task Force:** [HB 2293](#) by Rep. John Pfeiffer (R-Mulhall) and Sen. Darcy Jech (R-Kingfisher) creates the Oklahoma Flood and Drought Management Task Force into two groups, the management group and the advisory group. The management group consists of state agencies. The advisory group is comprised of designees of the following state associations and entities: OML, ACCO, and ORWA. The advisory group shall include the resources of all remaining state agencies and departments available to provide advice and assistance to the Oklahoma Flood and Drought Management Task Force, including the Oklahoma State Regents for Higher Education. The Task Force shall have the following duties: 1) develop and recommend state drought and flood response, recovery, and mitigation initiatives; 2) identify drought and flood management areas in the state; 3) provide coordination and communication among federal, state, and local entities as deemed appropriate for drought and flood assistance programs, education, and information; and perform such drought- and flood-related assessments and response functions as deemed necessary. Beginning 2025, and every ten

(10) years after, in conjunction with the update of the Oklahoma Comprehensive Water Plan and the State Flood Plan, OWRB shall coordinate with the Task Force to update the Oklahoma Drought Management Plan.

The bill takes effect on November 1, 2023.

**Sales Tax/Hotels:** [HB 2335](#) by Rep. Nick Archer (R-Elk City) and Sen. Kristen Thompson (R-Edmond) removes tax reporting requirements, permit and remitting requirements under 68 O.S. 1392 from hotel products. Products include personnel property, services, or other transactions. This exception only applies to hotels with more than twelve (12) rooms for occupancy in the regular course of business by the hotel or motel.

The bill takes effect on November 1, 2023.

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

The bill takes effect on November 1, 2023.

**Law Enforcement/CLEET:** [HB 2869](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Darrell Weaver (R-Moore) gives the Council on Law Enforcement Education Training (CLEET) the authority to purchase a passenger automobile or bus with public funds. Additionally, the Director of CLEET is authorized to hire an Assistant Director to perform such duties as directed by the Executive Director.

The bill takes effect on November 1, 2023.

**Law Enforcement/School Resource Officer Program:** [HB 2903](#) by Rep. Kevin Wallace (Wellston) and Sen. Roger Thompson (R-Okemah) requires the State Department of Education (Department) to establish a three-year pilot program called the School Resource Officer Program. The School Resource Officers (SROs) participating in the

program must complete active shooter emergency response training provided by CLEET. An SRO is defined as a law enforcement officer with training in school-based law enforcement and crisis response. The measure establishes a School Security Revolving Fund. The Department may use money in the Fund to establish the School Resource Officer Program and provide physical security enhancements for schools. Expenditures from the fund may not exceed Fifty Million Dollars (\$50,000,000.00) per year.

The bill takes effect on July 1, 2023.

**Law Enforcement/School Resource Officer/Appropriation:** [HB 2904](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah) appropriates One Hundred Fifty Million Dollars (\$150,000,000.00) for the School Security Revolving Fund to cover the costs associated with the implementation of HB 2903 creating the School Resource Office Program.

The bill takes effect on July 1, 2023.

### [Bills Sent to Gov. Stitt's Desk](#)

As the last week of Session ends, the Legislature acted upon issues other than budget bills. Here is just a snapshot of the bills OML is tracking.

**OWRB/Groundwater Permits:** [HB 2053](#) by Rep. David Hardin (R-Stilwell) and Sen. Brent Howard (R-Altus) provides if the Board's final action to approve an application is appealed, the applicant may take and use groundwater as is set forth under the permit while any appeals are pending with the Board, in district court, or in the appellate courts. For a court to enjoin the approved use of groundwater pending appeal, appellants must show a high likelihood of success on the merits, that there is clear and convincing evidence that they will suffer irreparable harm, that the balance of the equity's tips significantly in their favor, and that the order is clearly in the public interest. Any preliminary injunctive relief must be narrowly drawn up, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm.

For sole source aquifers, if the Board's final action to approve an application is appealed, a district court may enjoin the approved use of groundwater pending appeal by appellants showing any one of the following: 1. Appellants must show a high likelihood of success on the merit; 2. That there is clear and convincing evidence that they will suffer irreparable harm; 3. That the balance of the equities tips significantly in their favor; or 4. That the order is clearly in the public interest. If all statutory requirements for groundwater permits are fulfilled and the Board approves the application, appeals seeking to prohibit the use of water based solely on the industry or entity applying to use the water are considered to have no genuine issue as to any material fact and shall be dismissed pursuant to Section 2056 of Title 12 of the Oklahoma Statutes. Further, if such claims are found to be frivolous, the court may impose sanctions against the appellant, the appellant's attorney, or both including requiring the appellant or the appellant's attorney to reimburse the appellee for reasonable costs and expenses such as reasonable attorney fees and other expenses incurred as a result of the appeal.

The bill passed the Senate on Thursday by a [vote](#) of 40 to 2.

**Terry Peach North Canadian Watershed Restoration Act:** [HB 2239](#) by Rep. Mike Dobrinski (R-Okeene) and Sen. Darcy Jech (R-Kingfisher) creates the North Canadian Watershed Restoration Act. There is a pilot program created to remove or eradicate harmful woody species in the North Canadian Watershed to be administered by the Oklahoma Conservation Commission. The purpose of the program is to manage and eradicate, where possible, harmful woody species that damage grazing lands, create significant wildfire risk, reduce wildlife habitat, and reduce water flow in the North Canadian River. 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.

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

**Sales Tax Exemption/Disabled Veterans/Surviving Spouse:** [HB 2312](#) by Speaker Pro Tempore Kyle Hilbert (R-Bristow) and Sen. Todd Gollihare (R-Kellyville) amends 68 O.S. Section 1357(34) for purposes of the exemption, if the disability determination that would have been made while the disabled veteran was still living is not made final until after the death of the disabled veteran, the exemption may still be claimed by the surviving spouse.

The bill passed the House on Friday by a [vote](#) of 91 to 0.

**Law Enforcement/Handle with Care Program:** [HB 2513](#) by Rep. Ajay Pittman (D-OKC) and Sen. Adam Pugh (R-Edmond) directs the State Department of Education, in conjunction with OSBI, establish a Handle with Care Program. The Handle with Care Program shall enable a law enforcement officer or employee of a law enforcement agency to notify the program when a child, who may attend a public school in the state, is exposed to a traumatic event or other event that may affect his or her ability to succeed at school. The Program shall administer a telephone hotline or other appropriate method to allow a law enforcement officer or agency to provide notification that may include basic information about the traumatic event. The bill establishes procedures for law enforcement to collaborate with teachers or other members of the school system to reduce the negative impact of the traumatic event. Nothing shall be construed to require a law enforcement officer or law enforcement agency to provide notification if the disclosure may compromise an ongoing investigation.

The bill concurred with the Senate amendments on Tuesday by a [vote](#) of 81 to 7.

**Election/Dates:** [SB 375](#) by Sen. Brent Howard (R-Altus) and Rep. Carl Newton (R-Cherokee) modifies the primary election dates from the last Tuesday in June to the third Tuesday in June. The bill also provides one of the dates in which a political subdivision is authorized to call elections is the third Tuesday in June instead of the last one. Declarations of Candidacy must be filed no earlier than 8 a.m. on the first Wednesday of April of any even-numbered year and no later than 5:00 p.m. on the next succeeding Friday.

The Senate concurred on the House amendments on Tuesday by a [vote](#) of 37 to 5.

**Electric Vehicle Charging Act:** [SB 502](#) by Sen. Chuck Hall (R-Perry) and Speaker Pro Tempore Kyle Hilbert (R-Dewey) creates the Oklahoma Electric Vehicle Charging Act. The bill provides that a retail electric supplier that owns or operates a direct current fast charging station shall do so only through a separate, unregulated entity. A municipality that owns or operates an electric charging station that begins operations after the effective date shall not use revenues derived by the municipality from the sale of electric power delivered through a municipally owned electric distribution system in order to construct or maintain the electric charging station. The Corporation Commission shall have authority to enforce violations of this measure for retail electric suppliers that are rate-regulated by the Corporation Commission. District courts shall enforce violations for retail electric suppliers that are not rate-regulated.

The Senate concurred on the House amendments on Monday by a [vote](#) of 44 to 0.

**Oklahoma Organized Retail Crime Task Force:** [SB 674](#) by Pro Tempore Greg Treat (R-OKC) and Speaker Charles McCall (R-Atoka) creates a fifteen (15) member Oklahoma Organized Retail Crime Task Force until December 31, 2024. One of the members is appointed by the Oklahoma Association of Chiefs of Police. The purpose of the task force is to provide the Legislature and the Governor with information on organized retail crime and the advantages and drawbacks of instituting various

countermeasures to counter losses from retail theft in the state.

The task force report shall include, but not limited to, the following information based on available data: 1) a review of laws and regulations on organized retail crime used by other states, the federal government, and foreign countries to regulate the marketplace; 2) the use of organized retail theft's impact on state and local tax receipts; 3) need for interagency coordination of public education and prevention programs for business owners; and 4) legislative and regulatory recommendation, if any, to increase transparency and security, enhance consumer protections, prevent organized retail theft, and to address the long-term economic impact related to the prevalence of organized retail crime.

The Senate concurred on the House amendments on Tuesday by a [vote](#) of 37 to 6.

**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.

The Senate concurred on the House amendments on Tuesday by a [vote](#) of 43 to 0.