

08-24

March 29, 2024

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Poultry Bill Causes Concerns

OML has joined a broad coalition that includes Tribal Nations, conservation and wildlife groups to oppose [HB 4118](#). This legislation by Rep. David Hardin (R-Stilwell) and Sen. Brent Howard (R-Altus) provides that compliance with a Nutrient Management Plan (NMP) developed shall be deemed compliant with the Best Management Practices prescribed in this subsection, as well as the requirements of subsection C of this section. Each NMP shall contain measures designed to prevent the discharge of poultry waste into the waters of this state. Land application of poultry litter in compliance with a current NMP shall not be the basis for criminal or civil liability in Oklahoma, whether relating to that single plan, or aggregated with the application of poultry waste pursuant to other NMPs, nor shall an administrative violation be the basis for a criminal or civil action, nor shall any alleged violation be the basis for any private right of action, nor any action other than enforcement of the terms of the NMP and other sections of this title by the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF). A current plan means a plan approved by the ODAFF and not yet revoked or rescinded by the state or suspended by a more recent plan. This provision shall apply both directly and vicariously to the integrator with whom a contract poultry grower contracts, as well as to any poultry grower, operator, contractor of, or employee for a certified poultry waste applicator or a poultry waste owner's agent, so long as the land application is performed pursuant to and in compliance with the current NMP. Compliance with a current NMP, as determined by the ODAFF, shall create a presumption that no violation of this section has occurred and shall insulate the poultry grower, integrator, and waste applicator from any private right of action and shall constitute "express authority" for purposes of this title and Section 4 of Title 50 of the Oklahoma Statutes. Nothing in this subsection shall restrict the ODAFF's exclusive authority from enforcing the terms of Nutrient Management Plans or their authority to enforce the Oklahoma Registered Poultry Feeding Operations Act and the Oklahoma Certified Poultry Waste Applicator's Act.

The bill is scheduled to be heard on Monday in the Senate Agriculture & Rural Affairs Committee at 10:00 a.m. in Room 535, after being laid over this week.

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

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Bills on the Move

OPERS/Emergency Medical Personnel: [HB 1805](#) by Rep. Neil Hays (R-Checotah) and Sen. Casey Murdock (R-Felt) designates licensed emergency medical personnel hired on or after November 1, 2023, as hazardous duty members of the Oklahoma Public Employees Retirement System (OPERS). Qualifying emergency medical personnel includes emergency medical responders, technicians and paramedics working for a participating OPERS employer. Hazardous duty members of OPERS receive increased retirement and pension benefits compared to non-hazardous duty employees and are subject the following contribution and benefit structure: the employee contribution rate is eight percent (8%) and the employer contribution rate is sixteen and one-half percent (16.5%); members are eligible to receive full, unreduced retirement benefits after twenty (20) years of service; and benefits are calculated using a two and one-half percent (2.5%) per year multiplier for the first twenty (20) years of service and two percent (2%) per year multiplier for service in excess of twenty (20) years. Compensation does not include payment for overtime, compensation, or reimbursement for traveling, moving expenses, or any compensation in excess of the maximum compensation level.

The bill passed the Senate Retirement & Insurance Committee on Tuesday by a [vote](#) of 8 to 0. The bill moves to the Senate Appropriations Committee.

Water and Water Rights/Water Usage: [HB 2197](#) by Rep. Dick Lowe (R-Amber) and Sen. Lonnie Paxton (R-Tuttle) requires permit holders to report their annual water use to OWRB in a manner provided by the Board. The water use report shall provide the permit holder with an opportunity to explain any nonuse of the water allocated by the permit. In addition to the procedure for individual proceedings, OWRB is authorized to promulgate rules for reporting stream water used and the approval of excused nonuse of stream water. Failure to report annual water usage may result in cancellation of the permit by OWRB upon proper notice and hearing. Notwithstanding any other provision of law, the Executive Director of OWRB may issue administrative orders requiring the immediate cessation of water use when Board staff

has a reasonable belief the use is unauthorized or continued use will damage rights of prior appropriators. Such administrative orders shall indicate the finding of imminent peril and shall specify the actions that are to be taken immediately. In addition, the orders shall specify a time and place for a hearing to be held after such actions are taken.

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

Firefighters Pension & Retirement System: [HB 2991](#) by Rep. Josh West (R-Grove) and Sen. Todd Gollihare (R-Kellyville) amends the Firefighters Pension & Retirement System to conform with the IRS Code.

The bill passed the Senate Retirement & Insurance Committee on Tuesday by a [vote](#) of 7 to 0. The bill moves to the Senate floor.

Law Enforcement/OLERS/IRS Compliance: [HB 2996](#) by Rep. Mark Lepak (R-Claremore) and Sen. Darrell Weaver (R-Moore) adds members to OLERS who are CLEET certified police officers employed by OU and OSU and lake patrolman or dispatchers of GRDA who participate in this System. This bill also aligns the System with current IRS standards.

The bill passed the Senate Retirement & Insurance Committee on Tuesday by a [vote](#) of 7 to 0. The bill moves to the Senate floor.

Emergency Rules/OK Emergency Management Act of 2003 or Catastrophic Health Emergency Powers Act: [HB 3059](#) by Rep. Jay Steagall (R-Yukon) and Sen. Jack Stewart (R-Yukon) provides if an emergency declaration has been made pursuant to the Oklahoma Emergency Management Act of 2003, or the Catastrophic Health Emergency Powers Act the rule may be promulgated during the declared emergency period. If the Governor determines the agency filed, the rule during a declared emergency period and has established the rule necessary it shall remain in force and full effect until September 14 following such session or until the declared emergency period has terminated whichever is earlier.

The bill with the enacting clause stricken passed the Senate Administrative Rules Committee on Wednesday by a [vote](#) of 8 to 1. The bill moves to the Senate floor.

Noxious Weeds: [HB 3186](#) by Rep. Kenton Patzkowsky (R-Balko) and Sen. Grant Green (R-Wellston) adds musk thistles, Scotch thistles, poison hemlock and Kudzu as a noxious weed. It is the duty of every public, private or corporate landowner to treat, control, or eradicate these thistles, poison hemlock, and Kudzu growing on any property owned by the landowner.

The bill passed the Senate Agriculture & Rural Affairs Committee on Monday by a [vote](#) of 7 to 1. The bill moves to the Senate floor.

Water Wells/Metering: [HB 3194](#) by Rep. Carl Newton (R-Cherokee) and Sen. Brent Howard (R-Altus) authorizes OWRB to require all water wells requiring a permit to take and use groundwater from OWRB be equipped with water well flow meters or an alternative measuring system as defined by the Board. Such measuring systems shall remain on the well and be in proper operating condition at all times when groundwater is being produced. Data from the measuring system shall be utilized for the annual groundwater use report. OWRB may also require that the applicant report the reading or such meters or alternative measuring system at reasonable intervals. Beginning January 1, 2025, a five-year allocation of the maximum yield of the basin or subbasin may be approved for a regular permit. An applicant for a five-year allocation is required to submit annual usage as determined by a water well flow meter and pay the annual permit fee. If OWRB approves the permit, the applicant may exceed the maximum annual yield in any year of the five-year allocation; provided, the applicant shall adhere to the cumulative maximum annual yield for the basin or subbasin over the five-year period.

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

Oklahoma Route 66 Commission: [HB 3232](#) by Rep. Mark Lawson (R-Sapulpa) and Sen. Todd Gollihare (R-Kellyville) removes the expiration date of the Commission.

The bill with the title stricken passed the Senate Tourism & Wildlife Committee on Monday by a [vote](#) of 8 to 1. The bill moves to the Senate Appropriations Committee.

Arkansas River Levee Projects Revolving Fund: [HB 3288](#) by Rep. Kyle Hilbert (R-Bristow) and Sen. Cody Rogers (R-Tulsa) creates the Arkansas River Levee Projects Revolving Fund in the Oklahoma Conservation Commission. The fund may be budgeted and expended by the Conservation Commission for the purpose of constructing or repairing levees in proximity to the Arkansas River, subject to the federal matching funds requirement.

The bill with the title stricken passed the Senate Energy & Telecommunications Committee on Thursday by a [vote](#) of 7 to 1. The bill moves to the Senate Appropriations Committee.

OTC/Sales Tax Permits: [HB 3346](#) by Rep. John Pfeiffer (R-Orlando) and Sen. Dave Rader (R-Tulsa) allows monies in the OTC and OMES Joint Computer Enhancement Fund to make payments for Information Technology acquisitions to support the responsibilities of OTC. Whenever the sales tax reports required to be filed by Section 1365 of this title indicate there is no business activity at a place of business for a period of twelve (12) months, OTC, after giving twenty (20) days' notice to the permit holder in writing of the time and place of hearing to show cause why the sales tax permit for that place of business should not be revoked, may revoke or suspend the permit pursuant to an order of OTC after failure to show cause or failure to appear by the permit holder.

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

Firearms/Income Tax Credit: [HB 3427](#) by Rep. Nick Archer (R-Elk City) and Sen. JoAnna Dossett (D-Tulsa) creates an income tax credit beginning on or after January 1, 2025, in the amount of Five Hundred

Dollars (\$500.00) for the cost that a taxpayer incurs in the purchase of one or more qualified expenses of One Thousand Dollars (\$1,000.00) or more, and in the amount of Three Hundred Dollars (\$300.00) for the cost that a taxpayer incurs in the purchase of one or more qualified expenses less than One Thousand Dollars (\$1,000.00). "Qualified expense" means firearm safety devices.

The bill with the enacting clause stricken passed the Senate Public Safety Committee on Thursday by a [vote](#) of 11 to 0. The bill moves to the Senate floor.

Sales Tax Holiday/Firearm Ammunition: [HB 3429](#) by Rep. Nick Archer (R-Elk City) and Sen. John Haste (R-Broken Arrow) creates a sales tax holiday for the sale of rifle firearm ammunition to be used in connection with deer hunting if the sales price of the article is less than One Thousand Dollars (\$1,000.00) and the sales took place during the period beginning at 12:01 a.m. on Friday before annual deer gun season as determined by the Dept. of Wildlife Conservation and ends at midnight on the following Sunday.

The bill with the enacting clause stricken passed the Senate Tourism & Wildlife Committee on Monday by a [vote](#) of 9 to 0. The bill moves to the Senate Finance Committee.

Law Enforcement/Dual Office Holdings: [HB 3557](#) by Rep. Gerrid Kendrix (R-Altus) and Sen. Darrell Weaver (R-Moore) allows any person who performs services as a law enforcement officer: a. for no more than two (2) municipalities neither of which shall have a population in excess of eight thousand (8,000) persons according to the federal Decennial Census or most recent population estimate if the municipalities have entered into an agreement or memorandum of understanding regarding the services to be performed by the officer and any matters related to compensation or benefits, or b. for no more than one county the population of which is not greater than twenty-five thousand (25,000) persons and one municipality the population of which is not greater than eight thousand (8,000) persons both such populations to be determined according to the federal Decennial Census or most recent population estimate if the county and the municipality have entered into an agreement or

memorandum of understanding regarding the services to be performed by the officer and any matters related to compensation or benefits. For purposes of this paragraph, the population of any county and any municipality shall be determined as of the date of the agreement or memorandum of understanding and subsequent increases in population which occur during the term of the agreement or memorandum of understanding shall not be the basis for termination of such agreement or the basis for any proceeding to invalidate the agreement.

The bill passed the Senate Public Safety Committee on Thursday by a [vote](#) of 9 to 1. The bill moves to the Senate floor.

Real Estate Contracts: [HB 3704](#) by Rep. Chris Kannady (R-OKC) and Sen. Paul Rosino (R-OKC) a real estate contract for the sale, conveyance, or exchange of real property, option to purchase real property, or a lease with an option to purchase real property may include a contingency for the purposes of securing required permits, lot changes, zoning changes, and any other land use approvals necessary to use and operate the real property.

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

Law Enforcement/Retired Officers: [HB 3786](#) by Rep. John George (R-Newalla) and Sen. Darrell Weaver (R-Moore) does not require a retired peace officer applying for an armed security guard license or armed private investigator license or a combination thereof to provide a set of classifiable fingerprints to CLEET and shall be exempt from the provisions of paragraph 2 of this subsection upon submitting to CLEET a notarized letter confirming that the peace officer retired in good standing from a law enforcement agency within this state.

The bill passed the Senate Public Safety Committee on Thursday by a [vote](#) of 9 to 1. The bill moves to the Senate floor.

Disaster Relief/Stormwater Management Predictive Analytic Solution: [HB 3821](#) by Rep. Lonnie Sims (R-Jenks) and Sen. Dave Rader (R-Tulsa) requires the Oklahoma Office of Emergency Management to contract with a vendor to design and develop a statewide Stormwater Management Predictive Analytic Solution (SMPAS) to include an early warning detection system and advanced flood monitoring solution. The SMPAS shall access and visualize all relevant data; forecast future conditions; improve forecasting models; provide real-time tracking and alerts and improve situational awareness, flood resiliency and stormwater management systems. SMPAS shall be operational no later than February 28, 2025. By March 31, 2025, and annually thereafter, Emergency Management shall submit a report to the Governor, Pro Tempore and Speaker summarizing the information and analyzing trends.

The bill with the enacting clause stricken passed the Senate Public Safety Committee on Thursday by a [vote](#) of 10 to 0. The bill moves to the Senate Appropriations Committee.

Utility Bills/Domestic Violence Victims: [HB 3863](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Kristen Thompson (R-Edmond) adds another factor for individuals who have been victims of domestic violence or stalking to be exempt from the public utility's initial credit and deposit requirements for individuals who are a designated representative of a domestic violence shelter or domestic violence program operated by a federally recognized Indian tribe.

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

Courts/Notification/Time Limits: [HB 3885](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Julie Daniels (R-Bartlesville) increases the time limitation from one hundred twenty days (120) to one (1) year for the municipal or district court to notify Service Oklahoma from the date the citation was issued by the arresting officer.

The bill passed the Senate Judiciary Committee on Tuesday by a [vote](#) of 9 to 0. The bill moves to the Senate floor.

CLEET/Training Reimbursement: [HB 3998](#) by Rep. Scott Fetgatter (R-Okmulgee) and Sen. Lonnie Paxton (R-Tuttle) provides that if an employing law enforcement agency has paid for a peace officer's training and within one (1) year after the date the person is commissioned with the law enforcement agency resigns and is hired by another law enforcement agency in this state, the second law enforcement agency shall reimburse the original employing agency for the cost of CLEET training and salary paid to the person while completing the basic police course by the original law enforcement agency. If the person leaves the original employing law enforcement agency later than one (1) year, but less than two (2) years, after the date the person is commissioned, the second law enforcement agency shall reimburse the original law enforcement agency fifty percent (50%) of the CLEET costs and salary paid to the person while completing the training.

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

Public Pools: [HB 4035](#) by Rep. Tammy Townley (R-Ardmore) and Sen. John Haste (R-Broken Arrow) requires the State Department of Health to establish regulations for public pools and spas. The Department shall not regulate: 1) spray pads, spray grounds, or splash pads intended for use by children in which the water is supplied by a system of sprays and does not accumulate above ground; 2) pools located at private residences; 3) pools run by Homeowner's Association where pools or spas are limited to use by the homeowner group and their nonpaying guests; and 4) public and semipublic pools where the main objective is the external cleansing of the body. The State Commissioner of Health is authorized to create rules ensuring safety and sanitation, set fees, and define penalties for non-compliance. The bill sets the cost for construction permit applications and operation license applications at Fifty Dollars (\$50.00) for municipalities with a population of five thousand (5,000) or less, according to the latest Federal Decennial Census. The bill requires public pool

owners to apply for construction permits via a form designated by the Department, base designs on the International Swimming Pool and Spa Code, possess an annual license, and allow Department inspections. Pools found non-compliant during consecutive inspections may be considered a public nuisance and permanently closed. These pools shall be considered permanently closed by the municipality in which the public pool is located. Municipalities may secure permanently closed public pools and spas and charge the costs against the taxes of the owner. Permanently closed pools must go through the licensure or construction permit process before reopening to the public. The bill repeals 63 O.S. 2021, Sections 1-1013, 1-1013.1, 1-1013.2, 1-1014, 1-1015, 1-1016, 1-1016A, 1-1016B, 1-1017, 1-1018, 1-1019, 1-1020, 1-1020.1, and 1-1021.

The bill passed the Senate Health & Human Services Committee on Thursday by a [vote](#) of 12 to 0. The bill moves to the Senate floor.

Law Enforcement/Oklahoma Sheriff's Office Salary Assistance Grant Program Act: [HB 4063](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Darrell Weaver (R-Moore) creates the Oklahoma Sheriff's Office Salary Assistance Grant Program Act. The bill provides for a new state grant system through OMES where the county may apply for additional funding. There is a tiered system for the grant as follows: a. Two Hundred Fifty Thousand Dollars (\$250,000.00) for a county in the lower twenty-six (26) of qualified counties ranked by combined service-load factor, b. Three Hundred Fifty Thousand Dollars (\$350,000.00) for a county ranked higher than twenty-six (26) but lower than fifty-three (53) of qualified counties ranked by combined service-load factor, and c. Five Hundred Thousand Dollars (\$500,000.00) for a county ranked equal to or greater than fifty-three (53) of qualified counties ranked by combined service-load factor. Among other details, this bill provides what the funds can be used on.

The bill passed the Senate General Government Committee on Thursday by a [vote](#) of 9 to 1. The bill moves to the Senate Appropriations Committee.

Fire Districts/Arbitration: [HB 4091](#) by Rep. Trey Caldwell (R-Lawton) and Sen. Paul Rosino (R-OKC) authorizes the Fire Marshal's Commission on service areas and to determine fire protection service area boundary lines should a disagreement over service areas arise between jurisdictions providing services, with or without an agreement. In deciding, the Fire Marshal's Commission must consider but is not limited to, the importance of a quick response time, financial burden on both the service providers and, the jurisdiction receiving services, and the capabilities of both jurisdictions to render services.

The bill passed the Senate General Government Committee on Thursday by a [vote](#) of 9 to 0. The bill moves to the Senate Appropriations Committee.

Oklahoma Underground Facilities Damage Prevention Act: [HB 4095](#) by Rep. Trey Caldwell (R-Lawton) and Sen. Lonnie Paxton (R-Tuttle) adds definitions to the act. "Watch and Protect" to mean an operator or its designated representative is present to observe an excavation within ten (10) feet of the operator's marking of its existing underground facility. "Pre-Excavation Meeting Request" means a notice to an underground facility operator to participate in scheduled meetings for the purpose of planning large projects and coordinate resources accordingly. "Large projects" means those excavation projects that involve one of the following: exceeds distances or estimated duration is more than ninety (90) days. The bill modifies the definition of "underground facility" to include projects in a private easement. If a positive response of watch and protect has been indicated, excavation is prohibited without the operator or its designated representative present to observe the markings. If a positive response to watch and protect is indicated, the operator shall provide the name and phone number of the contact who shall be present for observation and a designated operator representative shall be on site at the ticket date and time agreed upon in writing by the excavator and operator. Excavators involved in large projects may submit a pre-excavation meeting request no less than fourteen (14) calendar days prior to beginning excavation or blasting activities. The date of the meeting shall be a minimum of seventy-two (72) hours after the notification has been submitted. All parties involved in the pre-excavation meeting shall

coordinate a marking plan and take actions necessary to ensure proper notice requirements are met for affected facility operators. The bill requires the Oklahoma One-Call System to keep notifications and positive responses for at least four (4) years.

The bill passed the Senate Energy & Telecommunication's Committee on Thursday by a [vote](#) of 10 to 0. The bill moves to the Senate floor.

Attorney General Duties: [SB 1649](#) by Sen. Todd Gollihare (R-Kellyville) and Rep. Jon Echols (R-OKC) modifies the duties of the Attorney General to include the following duties: maintain data related to human trafficking and to assist law enforcement, social service agencies, and victim services programs in identifying and supporting victims of human trafficking; enter into memoranda of understanding with any state agency, district attorney, or law enforcement entity as necessary to perform the duties and responsibilities of the Attorney General; and initiate and prosecute criminal actions by information or indictment with all authority and responsibility otherwise provided by statute to district attorneys. The bill also repeals Section 18b of Title 74.

The bill passed the House Judiciary - Civil Committee on Thursday by a [vote](#) of 8 to 0. The bill moves to the House floor.

Law Enforcement/Search Warrants: [SB 1660](#) by Sen. Darrell Weaver (R-Moore) and Rep. Collin Duel (R-Guthrie) allows for search warrants to be issued for persons for whom an arrest warrant has been issued and bring the property or person before the magistrate. The bill defines "arrest warrant" to mean an outstanding arrest warrant for any felony offense or a misdemeanor offense of domestic assault and battery. The term shall include arrest and bench warrants but shall not include warrants issued solely for failure to pay court financial obligations, other than restitution. Such a search warrant may be used by peace officers to enter the residence of another person who is not the subject of an arrest warrant to find the person listed on the search warrant. The bill requires an officer executing such a warrant to return the search warrant to the magistrate who authorized the warrant or to a magistrate who presides in the judicial district in

which the person was found by filing an arrest and booking affidavit or by filing a separate return identifying the person and the location where the person was found.

The bill passed the House Judiciary - Criminal Committee on Wednesday by a [vote](#) of 6 to 1. The bill moves to the House floor.

First Responders/Opioid Antagonists/Liability Protection: [SB 1740](#) by Sen. Todd Gollihare (R-Kellyville) and Rep. Jeff Boatman (R-Tulsa) defines "emergency opioid antagonist" means a drug including, but not limited to, naloxone that blocks the effects of opioids and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose. Any first responder who administers or provides an emergency opioid antagonist in good faith and in a manner consistent with addressing opioid overdose shall not be liable for any civil damages as a result of any acts or omissions by such first responder except for committing gross negligence or willful wanton wrongs in administering or providing such emergency opioid antagonist.

The bill passed the House Public Health Committee on Wednesday by a [vote](#) of 5 to 0. The bill moves to the House floor.

Next Week at the Capitol

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

Monday, April 1, 2024:

Senate Agriculture & Rural Affairs Committee **10:00 a.m., Room 535**

Agriculture Sales Tax Exemption/Forestry: [HB 3738](#) by Rep. Eddy Dempsey (R-Valliant) and Sen. Chris Kidd (R-Waurika) amends the definition of "agricultural products" shall include horses and timber; and defines "farming" or "farm" shall include the production of timber, seedling production.

House A&B: Health Subcommittee **10:30 a.m., Room 4s5**

Nonopioid Alternatives: [SB 1344](#) by Sen. Paul Rosino (R-OKC) and Rep. Josh West (R-Grove) authorizes the Department of Mental Health and

Substance Abuse Services, the State Department of Health, and the Oklahoma Health Care Authority to collaborate in finding funding opportunities for educational and health care services related to nonopioid alternatives as well as to assist political subdivisions that receive opioid grant awards under the Political Subdivisions Opioid Abatement Grants Act with the development and implementation of educational and health care services related to nonopioid alternatives. The bill also prohibits the Authority and contracted entities from denying coverage of a nonopioid drug in favor of an opioid drug. The bill clarifies that it shall not preclude opioid drugs from being preferred over other opioid drugs or nonopioid drugs from being preferred over other nonopioid drugs.

Law Enforcement/Mental Health Transport: [SB 1862](#) by Rep. John Haste (R-Broken Arrow) and Rep. Marcus McEntire (R-Duncan) transfers the responsibility of transporting an individual who self-presents at a facility or medical facility to the Department of Mental Health Substance Abuse Services or an entity contracted by the Department for alternative transportation.

House A&B: Natural Resources Subcommittee
10:30 a.m., Room 5s2

DEQ/Blue River-Little Blue Creek Stream Health Assessment Study: [SB 1273](#) by Sen. Jerry Alvord (R-Wilson) and Rep. Tammy Townley (R-Ardmore) creates a fund in DEQ to be designated the Blue River-Little Blue Creek Stream Health Assessment Study Revolving Fund. DEQ is required to coordinate with the Center for Reservoir and Aquatic Systems Research at Baylor University for the purpose of defining the study scope and conducting the work necessary to complete data collection and the development of the Blue River-Little Blue Creek Stream Health Assessment Study. The bill appropriates to DEQ from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2023, the sum of One Million Dollars (\$1,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department by law.

Large-Scale Economic Activity & Development Act: [SB 1428](#) by Sen. Jerry Alvord (R-Wilson) and Rep. Tammy Townley (R-Ardmore) creates an investment rebate program for qualifying entities as defined in the Large-Scale Economic Activity and Development Act until July 1, 2030. The rebate shall be equal to six and twenty-five hundredths' percent (6.25%) of the cost of the qualified capital expenditure in the year of expenditure. Such entities must apply outlining capital expenditures of Eight Hundred Million Dollars (\$800,000,000.00) or more in the state, prove that they made qualified capital expenditures of no less than twenty percent (20%) of the capital expenditure plan, and proved they filed their tax returns and documents required by law. The Department of Commerce shall approve or disapprove applications and use monies from the newly created Commerce Manufacturing Activity Development Fund. The measure appropriates Fifty Million Dollars (\$50,000,000.00) from the General Revenue Fund to the newly created Fund. Any amount remaining in the Fund after 2030 shall revert back to the General Revenue Fund.

Senate Business & Commerce Committee
2:00 p.m., Room 4s.9

State Fire Marshals/Grills & Griddles: [HB 3169](#) by Rep. Dell Kerbs (R-Shawnee) and Sen. Grant Green (R-Wellston) requires the State Fire Marshal Commission to promulgate rules allowing the use and storage of propane-fueled grills and flattop griddles and electric wood pellet grills on boat docks; provided, that the act of using such cooking instruments is performed within ten (10) feet of a fire extinguisher. The fire extinguisher shall be installed and maintained in accordance with the most current version of NFPA 10 (Standard for Portable Fire Extinguishers). Any violations or penalties shall be assessed to the person committing acts contrary to this subsection. The owner or operator of the marina or dock shall not be held liable for the actions of its tenants or others.

Economic Development/Competitiveness: [HB 3252](#) by Rep. Mike Osburn (R-Edmond) and Sen. Kristen Thompson (R-Edmond) enhances the need for Oklahoma to have an agency to focus on long-term development of local communities to increase competitiveness and enhance economic

opportunities in this state. Oklahoma needs an agency to work at the community level to create new higher quality jobs of this state through the long-term development of local communities; maintain a two-way flow of information between the state economic development agency and communities through regional organization and representation; implement strategic economic development five-year plan developed by the state economic development entity; carry out policy development and research in support of long-term competitiveness; provide technical assistance to local communities in securing federal funding, incentive availability, and community development; provide assistance and funding in development of potential sites for economic development; coordinate with other state agencies deploying federal and state funds for infrastructure development including, but not limited to, ODOT, OWRB, and OBO; and assist in compliance with the laws and regulations of economic incentives and economic development initiatives.

Tattoo and Body Piercing Businesses: [HB 3428](#) by Rep. Nick Archer (R-Elk City) and Sen. Julia Kirt (D-OKC) removes the licensing requirements for a body piercing or tattoo operator. It gives the Dept. of Health authority to enforce the regulation by notifying the district attorney of any relevant county, the Department may impose an administrative fine not to exceed Five Thousand Dollars (\$5,000.00). Whenever it appears that any person is engaged or about to engage in any acts or practices that constitute a violation, the Department, the AG, or the district attorney may bring an action in the relevant district court or in Oklahoma County.

OUBCC: [HB 3819](#) by Rep. Lonnie Sims (R-Jenks) and Sen. Joe Newhouse (R-Tulsa) creates the definition of "payback period" when used in this act, shall mean the amount of time a system, design, or project takes to generate the amount of energy used to produce the said system, design, or project. OUBCC shall have the power and duty to establish a continuing education training for all residential and commercial industry personnel affected by the codes adopted by the Commission. A fee, limited to any cost directly associated with the class, may be assessed to all participants other than state licensed code officials. OUBCC shall establish a workforce

development process with the purpose of increasing the number of available code officials in Oklahoma. Individuals may complete regional training and be issued a certification for inspections. OUBCC shall promulgate rules requiring all proposed energy building codes or amendments to include: a) a payback period analysis; or b) a statement explaining why a payback period is not applicable to the proposed energy code or amendment. OUBCC shall not adopt any proposed energy code or amendment that does not have a payback period of seven (7) years or less unless a payback period does not apply to the proposed code or amendment.

**House Banking, Financial Services & Pensions
Committee
3:00 p.m., Room 450**

Police Pension & Retirement System Increase: [SB 102](#) by Sen. Jessica Garvin (R-Duncan) and Rep. Steve Bashore (R-Miami) modifies the term "accrued retirement benefit". The bill also increases the municipality's contribution to fourteen percent (14%) on or after the effective date and the member's contribution is increased to nine percent (9%) on or after this act.

Volunteer Firefighter Retirement: [SB 453](#) by Sen. Jessica Garvin (R-Duncan) and Rep. Anthony Moore (R-Clinton) sets the maximum amount of compensation a volunteer firefighter may earn to Nine Thousand Nine Hundred Thirty-nine Dollars and sixty-nine cents (\$9,939.69) per year and still be considered a volunteer firefighter. Volunteer firefighters who retire on and after the effective date of this act shall receive a monthly pension in the amount of Ten Dollars (\$10.00) for each year of credited service not to exceed thirty (30) years.

Firefighters Pension/Volunteers: [SB 1524](#) by Sen. Grant Green (R-Wellston) and Rep. Danny Sterling (R-Tecumseh) provides that a retired, paid firefighter performing volunteer firefighting services shall not accrue additional years of credited service for such services. A retired volunteer firefighter receiving the maximum allowable accrued retirement benefit may return as a volunteer firefighter for a volunteer fire department and continue to receive the members retirement benefit; however, the retired volunteer firefighter shall not

further accrue years of service during such period. The bill specifies the benefit shall cease during any time period the retiree may thereafter serve for the compensation in any municipal fire department in the state; provided further, no person shall perform any services as a volunteer firefighter if such person is receiving disability benefits. Maximum allowable accrued retirement benefit means a benefit calculated using thirty (30) years of credited service. If the member has elected to participate in the Oklahoma Firefighters Deferred Option Plan (DROP), credited service for benefit calculation shall be calculated as of the date the member begins participation in the Plan, or the backdrop date if elected. No person serving as a firefighter pursuant to this section shall be eligible to serve as the fire chief. Pursuant to Section 49-100.1 of this title, the fire chief shall be an active member of the System within a participating municipality of which he or she is the fire chief.

**House County & Municipal Government
Committee
3:00 p.m., Room 4s5**

Municipal Court Holidays: [SB 1545](#) by Sen. Todd Gollihare (R-Kellyville) and Rep. Chris Kannady (R-OKC) authorizes municipal courts of record to be closed on holidays declared by the municipal governing body on dates when the municipal offices are closed.

Revenue/State and Tribal Funding: [SB 1564](#) by Sen. Tom Dugger (R-Stillwater) and Rep. Ty Burns (R-Pawnee) allows cities, counties, towns, and other subdivisions the ability to accept and use state and tribal monies.

Planning/Restrictive Covenants: [SB 1617](#) by Sen. Kristen Thompson (R-Edmond) and Rep. John Pfeiffer (R-Orlando) authorizes municipalities to amend an existing plat which y filed with the office of the county clerk of the county where the addition is located to remove an illegal discriminatory restrictive covenant pursuant to the Fair Housing Act, 42 U.S.C., Section 3601 et in the office of the county clerk of the county where the addition is located against all parcels within the addition after: 1) the municipality must provide thirty (30) days written notice of the within the addition of the

proposed amendment to remove an illegal discriminatory restrictive covenant , the notice including the time, date and place of the planning commission meeting where the amendment body of the municipality approves the amended plat. Nothing shall be construed as requiring the approval of the amended plat by the property owners of all parcels within the addition. An illegal discriminatory restrictive covenant contained on a plat is not enforceable in this state, and all illegal discriminatory restrictive covenants contained in plats recorded in this state are unlawful, unenforceable, and declared null and void. Any illegal discriminatory restrictive covenant contained in an existing plat is extinguished and severed from the plat, with the remainder of such plat remaining enforceable and effective.

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

Texting While Driving/Court Costs: [SB 1347](#) by Sen. Todd Gollihare (R-Kellyville) and Nicole Miller (R-Edmond) specifies that a person operating a vehicle in motion may not use a hand-held electronic communication device or cellular telephone to compose a text message. Such people are also prohibited from holding a cellular telephone. The bill specifies that the fine, upon conviction, shall not exceed Five Dollars (\$5.00) and court costs shall not exceed Ninety-five (\$95.00). The court clerk shall collect the fine, costs and fees and direct their distribution to the Sheriff's Service Fee Account, Office of the Attorney General, Child Abuse Multidisciplinary Account, the CLEET Fund, Forensic Science Improvement Revolving Fund, Department of Public Safety Patrol Vehicle Revolving Fund, Court Clerk's Revolving Fund, District Court Revolving Fund, and General Revenue Fund.

Law Enforcement/OK Child Abduction Response Teams (OCARTs): [SB 1407](#) by Sen. Roger Thompson (R-Okemah) and Rep. John George (R-Newalla) authorizes the Department of Public Safety (DPS) to create and administer Oklahoma child abduction response teams (OCARTs). OCARTs shall be created by the Commissioner in coordination with federal, state, tribal, county, municipal law enforcement agencies, and

appropriate social services agencies. Each member of the OCART shall be responsible for its own acts or omissions under The Governmental Tort Claims Act, or otherwise under state or federal law. The Commissioner is authorized to accept contributions, donations, and gifts in support of OCART programs. The Commissioner is authorized to local OCART committees. The members of OCART shall be CLEET certified peace officers, communications personnel, administrative personnel, support personnel, and multidisciplinary professionals reasonably necessary to effectuate the purposes of this act. The eleven (11) member OCART Committee shall consist of one representative who is an active chief of police from the applicable region or a designee. In conjunction with the OCART coordinator, each OCART committee shall develop a plan for mounting a coordinated response to a verified child abduction. Within four (4) hours of receiving a report of verified child abduction, the law enforcement agency receiving the report shall notify the applicable OCART point of contact. Law enforcement agencies are authorized to utilize the automated license plate readers (ALPRs) in carrying out a coordinated response. Each law enforcement member of an OCART committee shall receive initial training and an annual refresher training as determined by the Commissioner.

Tuesday, April 2, 2024:

House General Government Committee
10:30 a.m., Room 5s2

Open Records: [SB 1574](#) by Sen. Kay Floyd (D-OKC) and Rep. Tammy Townley (R-Ardmore) provides that the Open Records Act shall not apply to applications and other documents related to licensure matters that are filed of record in a district court including but not limited to marriage licenses, process server licenses, closing out sale licenses, transient merchant licenses, pool hall licenses, and bail bondsmen registrations.

Open Meetings/Executive Sessions: [SB 1716](#) by Sen. Todd Gollihare (R-Kellyville) and Rep. Chris Kannady (R-OKC) allows licensing bodies to enter executive session in reviewing and discussing mental health documents related to a licensee under investigation or review by a professional licensing

board if: a. the executive session is held only to review or discuss mental health documents directly related to the licensee or to receive testimony from relevant witnesses as necessary for the board to make a determination in the matter, b. the documents reviewed or discussed are kept confidential, privileged and not discoverable in civil actions, and not made available to the public, and c. the licensee is given the opportunity to be present during any witness testimony or discussion of the mental health documents.

House Public Safety Committee
10:30 a.m., 4s5

Law Enforcement/Terrorism Threat: [SB 1579](#) by Sen. Warren Hamilton (R-McCurtain) and Rep. John George (R-Newalla) authorizes the Commissioner of DPS to assign to personnel of DPS to collect information concerning the activity and identity of individuals reasonably suspected of involvement in terrorism, threats to public safety, organized crime, criminal conspiracies, or any other threats of violent crime; analyze the information and disseminate it to other law enforcement and public safety agencies; coordinate with state, local and federal agencies to protect against terrorism threats, organized crimes, criminal conspiracies, or other threats of violent crime; and provide training to peace officers of this state concerning the legal collection, preservation, and dissemination of crime-related information. The bill also prohibits release of certain information; providing exceptions to release of certain information. It creates a misdemeanor offense for unauthorized release and unauthorized use of the information. The Commissioner of DPS is authorized to promulgate rules to implement the provisions in this section of law.

Law Enforcement/Vehicle Registration Information: [SB 1907](#) by Sen. Darcy Jech (R-Kingfisher) and Rep. Carl Newton (R-Cherokee) authorizes DPS to provide the Oklahoma Turnpike Authority access to vehicle registration information online within this state that is available through the Oklahoma Law Enforcement Telecommunication Systems network for purposes of toll transportation facilities.

House Rules Committee
1:30 p.m., Room 206

House Children, Youth & Family Services
3:00 p.m., Room 5s2

Sales Tax/Heavy Equipment Rental Fees: [SB 1438](#) by Sen. Dave Rader (R-Tulsa) and Rep. Scott Fetgatter (R-Okmulgee) provides that a company primarily in the business of renting heavy equipment property classified under 532412 or 532310 of the 2017 NAICS; located in this state may include as a separate line item on the rental invoice a recovery fee of one and twenty-five hundredths percent (1.25%) on the rental charge from any item of heavy equipment property rental by a customer. On or before February 15, each rental business that collects the equipment rental recovery fee shall be required to electronically submit to OTC a consolidated report showing the aggregated personal property taxes paid in the state in the previous calendar year and the aggregated recovery collections. If the aggregated recovery collections in the state exceed the aggregated taxes paid in the state, the aggregate excess shall be paid to the county treasurers. The amount of excess paid to each county treasurer shall be a pro rata distribution based on the amount of personal property tax paid by the business to each county in the previous calendar year in relation to the total personal property tax paid in this state in the previous calendar year. No excess collections shall be retained by the business. Revenues from the fee may be used to pay personal property taxes. The recovery fee shall not apply to the rental of heavy equipment property to the federal government, any federally recognized Indian tribe, the state, or any municipality or county. The recovery fee shall not be subject to state or local sales taxes.

Homeless Camps/State-Owned Lands: [SB 1854](#) by Sen. Darrell Weaver (R-Moore) and Rep. Chris Kannady (R-OKC) prohibits persons from using state-owned lands camp. Any person who violates this law commits a misdemeanor. However, a person who commits a first violation shall be issued a warning, and a citation may not be issued unless the person refuses any assistance, food pantry or other place where resources are made available to assist the indigent and homeless.

Law Enforcement/Run Aways: [SB 1638](#) by Sen. Ally Seifried (R-Claremore) and Rep. John Talley (R-Stillwater) requires DHS to communicate certain information in a report submitted to law enforcement and the National Center for Missing and Exploited Children. This report shall include where reasonably possible: a) a photo of the missing or abducted child or youth; b) a description of the child's or youth's physical features; and c) endangerment information, such as the child's or youth's pregnancy status, prescription medicines, tendency towards suicidal thoughts, vulnerability to being a victim of sex trafficking, and other health or risk factors. DHS shall maintain regular communication with law enforcement and the National Center for Missing and Exploited Children in an effort to provide for a safe recovery, including by sharing information pertaining to the child's or youth's recovery and circumstances related to the recovery. by Sen. Ally Seifried (R-Claremore) requires DHS to communicate certain information in a report submitted to law enforcement and the National Center for Missing and Exploited Children. This report shall include where reasonably possible: a) a photo of the missing or abducted child or youth; b) a description of the child's or youth's physical features; and c) endangerment information, such as the child's or youth's pregnancy status, prescription medicines, tendency towards suicidal thoughts, vulnerability to being a victim of sex trafficking, and other health or risk factors. DHS shall maintain regular communication with law enforcement and the National Center for Missing and Exploited Children in an effort to provide for a safe recovery, including by sharing information pertaining to the child's or youth's recovery and circumstances related to the recovery.

Wednesday, April 3, 2024:

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

Sewage Disposal System Installers/DEQ: [SB 1759](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Ty Burns (R-Pawnee) modifies the specified amount needed for required certification to install individual

sewage disposal system from ten (10) to one (1) individual sewage disposal systems per calendar year.

OK Local Development & Enterprise Zone Incentive Leverage Act/Reporting: [SB 2017](#) by Sen. Dave Rader (R-Tulsa) and Rep. Lonnie Sims (R-Jenks) requires an enterprise or entity receiving payments authorized pursuant to the provisions of Section 844 of this title shall annually report to the Oklahoma Department of Commerce the following: 1. All employment resulting from the project or facility location or expansion, including payroll amounts; 2. Capital investment amounts resulting from the project or facility location or expansion; and 3. Changes in the assessed value of property resulting from the project or facility location or expansion. The Department shall make available on the Department website the information reported pursuant to this subsection.

House Judiciary - Criminal Committee
10:30 a.m., Room 206

Law Enforcement/Burglary: [SB 1735](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Terry O'Donnell (R-Catoosa) adds entering into a restricted area of a commercial building without authorization as a felony crime.

Law Enforcement/Larceny: [SB 1877](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Terry O'Donnell (R-Catoosa) expands the time period to be considered for aggregate crimes of larceny from ninety (90) days to one hundred eighty (180) days.

House Energy & Natural Resources Committee
3:00 p.m., Room 206

Electric Vehicle Charging Act: [SB 1587](#) by Sen. Chuck Hall (R-Perry) and Rep. Brian Hill (R-Mustang) modifies the definition of electric vehicle as it relates to the Oklahoma Electric Vehicle Charging Act to requires such vehicles to draw current from fuel cells to power an electric motor. The bill defines "fuel cell" to mean a cell that converts the chemical energy of hydrogen directly into electricity through electrochemical reactions. The bill also defines "hydrogen fueling station" to mean any equipment that dispenses hydrogen into

a motor vehicle or electric vehicle powered by a fuel cell. The bill clarifies that the provisions of the Act shall not be construed as to prohibit an electric supplier or municipal corporation from operating, leasing, installing, or otherwise procuring service from an electric vehicle charging station or hydrogen fueling station on its own premises for the sole purpose of serving its own electric vehicles that is not open to the public. The bill does not apply to fueling stations that were constructed, provided by, owned, operated, or maintained by a retail electric supplier or municipal corporation prior to November 1, 2023.