

09-24

April 5, 2024

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### **Election Filings, Appropriations Impasse as Deadlines Approach**

On Wednesday, candidates began filing for the state Legislature, U.S. House of Representatives and one Corporation Commission seat. Filings will close at 5:00 p.m. today and will give us an idea of who will be serving in the next Legislature. All House members are up and a little over half of the Senate are up for election for this year. Follow the Oklahoma Election Board to see who is running in your area. [OK Candidate Filing \(okelections.us\)](http://okelections.us). Once the elections begin, it is important to take the time and educate the candidates about municipal issues.

This week the Senate Appropriations Chairman, Sen. Roger Thompson (R-Okemah) said the Senate would not be hearing any House appropriations bills because the House refused to share their current budget numbers. The House Appropriations Chairman, Rep. Kevin Wallace (R-Wellston) says that the House will share their numbers once the Senate agrees to a solution for a deficit in the current FY24 budget.

Next Thursday, April 11<sup>th</sup>, is the deadline for House bills and joint resolutions to be heard in Senate committees. That deadline is set by Senate Leadership, but in a press availability yesterday, Senator Pro Tem Greg Treat (R-Edmond) does not appear to want to extend that and said "The deadline is the deadline right now."

With the next deadline upon us, it brings us closer to the end. There are only eight (8) more weeks left of Session, and during this time, we will start seeing movement on bills that were carried over from last Session. Things will move quickly, and issues could pop up at any time, so please be prepared to respond to any Action Alerts that we send out.

Thank you to those of you that attended OML's Legislative Reception. We had a great turnout of municipal officials and legislators, and we appreciate you showing up in support of Oklahoma's cities and towns.

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

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## Bills on the Move

**Tuition/Children of Peace Officers, Firefighters & EMTs who Died in the Line of Duty:** [HB 1795](#) by Rep. Mike Osburn (R-Edmond) and Sen. Kristen Thompson (R-Edmond) prohibits the Oklahoma State System of Higher Education from charging fees, room, and board to children of Oklahoma peace officers, firefighters, commissioned members of OLERS, and emergency medical technicians who have given their lives in the line of duty. Such waiver of room and board shall be limited to a period of five (5) years.

The bill was [amended](#) and passed the Senate Education Committee on Tuesday by [vote](#) of 13 to 0. The bill moves to the Senate Appropriations Committee.

**PFAS:** [HB 2305](#) by Rep. John Pfeiffer (R-Orlando) and Sen. Dave Rader (R-Tulsa) defines "PFAS," "AFFF" and "AFFF waste". The bill lists protected passive receivers of PFAS that provide essential services to not be liable to this state for costs arising from a release of PFAS into the environment such as public water systems, a publicly or privately owned or operated treatment works, or the owner of a site where biosolids generated from a treatment works or a permitted municipal wastewater lagoon; a political subdivision acting as a wholesale water agency; a municipality that is permitted to issue stormwater discharges; and others. Nothing precludes liability for damages or costs associated with the release of PFAS by a protected passive receiver of PFAS if the protected receiver acted with gross negligence or willful misconduct in the discharge, disposal, management, conveyance, or storage of PFAS. DEQ must promulgate rules and regulations related to the receipt, storage, treatment, and disposal of PFAS waste in this state, including rules related to a waste exclusion plan. A person shall apply for the activity to DEQ prior to receiving, storing, treating, or disposing of more than two hundred (200) pounds of AFFF waste per day. AFFF waste generated in or transported from another state shall maintain the same classification or characterization it would receive in the state or origin. If the AFFF waste is banned in another state, then the waste is banned in Oklahoma.

The bill with the enacting clause stricken passed the Senate Energy & Telecommunications Committee on Thursday by a [vote](#) of 9 to 2. The bill moves to Senate Appropriations Committee.

**(OML Support) Law Enforcement/Assault & Battery/Code Enforcement Officers:** [HB 2966](#) by Rep. Ken Luttrell (R-Ponca City) and Sen. Bill Coleman (R-Ponca City) makes it a crime to assault a building inspector or municipal code enforcement officer while such building inspector or code enforcement officer is in the performance of his or her duties. Upon conviction, an individual will be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, by a fine of not less than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Upon a second or subsequent conviction, the person shall be guilty of a felony punishable of imprisonment in the custody of DOC for not more than two (2) years, by a fine of not more than Two Thousand Dollars (\$2,000.00) or both. Any person who commits an aggravated assault and battery, upon conviction, shall be guilty of a felony punishable by imprisonment in the custody of not less than two (2) years nor more than five (5) years, by a fine of not more than Five Thousand Dollars (\$5,000.00), or both.

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

**Ambulance Districts/Motor Fuel Tax Exemption:** [HB 3031](#) by Rep. Cody Maynard (R-Durant) and Sen. David Bullard (R-Durant) exempts Oklahoma ambulance districts established under Section 9C of Article X of the Oklahoma Constitution from motor fuel taxes.

The bill with the enacting clause struck passed the Senate Finance Committee on Monday by a [vote](#) of 8 to 2. The bill moves to the Senate floor.

**Law Enforcement/Firefighters/License Plates:** [HB 3032](#) by Rep. Cody Maynard (R-Durant) and Sen. David Bullard (R-Durant) requires Service Oklahoma to design appropriate official license plates for vehicles of Oklahoma fire departments, law enforcement agencies, ambulance services, and

emergency management agencies. Each license plate is distinctly designed. The license plates shall be available to all state, county, city, and town entities currently recognized by Service Oklahoma to receive government license plates. There shall be an initial fee of Twenty-five Dollars (\$25.00) to purchase the transferable license plates. The fee shall be deposited in accordance with Service Oklahoma rules. License plates currently on these vehicles do not need to be replaced until a new vehicle is purchased. All new license plates shall be permanent transferable license plates.

The bill passed the Senate Aeronautics & Transportation Committee on Tuesday by a [vote](#) of 8 to 0. The bill moves to the Senate floor.

**Energy/Southwest Power Pool:** [HB 3053](#) by Rep. Brad Boles (R-Marlow) and Sen. Dave Rader (R-Tulsa) requires the Corporation Commission to coordinate with the Southwest Power Pool (SPP) to develop and provide a reporting of the regulatory and statutory frameworks addressing the rule of the SPP as it pertains to this state. The report shall provide a comprehensive assessment of the impact of the SPP on the state's electricity infrastructure and areas in which the state may desire further evaluation. The Commission shall ensure the completion of the report no later than December 31, 2024. A copy of the report shall be submitted electronically to the following: the Governor, Speaker, Pro Tempore, Chair of the House Utilities Committee of the House or successor committee, and the Chair of the Senate Energy & Telecommunications Committee or successor committee.

The bill passed the Senate Energy & Telecommunications Committee on Thursday by a [vote](#) of 7 to 2. The bill moves to the Senate floor.

**Funding Restrictions/Illegal Immigrants:** [HB 3071](#) by Rep. Neil Hays (R-Checotah) and Sen. David Bullard (R-Durant) prohibits the use of any state revenues, whether derived from taxes, fees, assessments, or any other source to provide monetary benefits for a person who is not authorized to federal immigration law to be in the US. The restrictions are also applicable to a minor born in any state in the US if either the mother or

father of the minor is not lawfully authorized to be present in the US. "Benefits" does not include incarceration of a person or transportation of a person to an out-of-state destination; law enforcement agencies or personnel to investigate incidents involving domestic violence; law enforcement agencies or personnel to investigate incidents involving human trafficking; or providing education to children from pre-kindergarten through the twelfth grade. The provisions and restrictions are also applicable to the use of state revenues by any political subdivision of the state or by any other legal entity. The bill does not restrict the ability of a person or entity to provide emergency medical services to a person if the services are required to be provided pursuant by law.

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

**Eminent Domain/Right of First Refusal:** [HB 3159](#) by Rep. Eric Roberts (R-OKC) and Sen. Todd Gollihare (R-Kellyville) provides for the first refusal or right of first refusal offer if the acquired land is ever sold by the state or any state agency thereof or any person who acquired the land through the use of eminent domain authority. If the landowner chooses to exercise this right, the price would be the lower of either the current market value or the price received by the landowner under the eminent domain sale. This right shall be available to the landowner in the original eminent domain sale and to the first generation of heirs. However, acquired land may be transferred to another state agency without prompting the first refusal or right of first refusal.

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

**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

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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.

The bill passed the Senate Business & Commerce Committee on Monday by a [vote](#) of 12 to 1. The bill moves to the Senate floor.

**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.

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

**Prevention of Youth Access to Tobacco Act:** [HB 3331](#) by Rep. Cynthia Roe (R-Lindsay) and Sen. JoAnna Dossett (D-Tulsa) modifies the fines of selling, giving or furnishing tobacco products, nicotine products, or vapor products to anyone who is under twenty-one (21) years of age to include the store owner when there is a sale to a minor. The fines increase from One Hundred Dollars (\$100.00) to Two Hundred Fifty Dollars (\$250.00) for the first offense to both the employee and the store owner. The fines continue to increase for subsequent violations.

The bill passed the Senate Health & Human Services Committee on Thursday by a [vote](#) of 9 to 1. The bill moves to the Senate floor.

**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. A body piercing or tattoo operator applying for a new license shall publish notice of license application one (1) time in a newspaper of general circulation nearest to the proposed location of the business most likely to give notice to interested citizens of the county, city, and community in which the application proposed to engage in business. The publication shall identify the exact location at which the business is to be operated. The notice requirement does not apply to license renewals unless the application for license renewal lists a different location.

The bill passed the Senate Business & Commerce Committee on Monday by a [vote](#) of 8 to 4. The bill moves to the Senate floor.

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**Court Financial Obligations:** [HB 3546](#) by Rep. Danny Sterling (R-Tecumseh) and Sen. Brent Howard (R-Altus) provides that at the hearing following the arrest on the cost arrest warrant, the court shall conduct a cost hearing or willfulness hearing, as the court deems appropriate, within seventy-two (72) hours of the arrest unless: the custodian is presented with proof of payment in the amount of One Hundred Dollars (\$100.00) to each jurisdiction where the financial obligations are owed and the new cost hearing date is provided; the court releases the defendant released from custody and the new cost hearing date is provided, or the court conducts a cost or willfulness hearing as appropriate and determines the defendant should be released. The district court or municipal court within one hundred twenty (120) days from the date upon which the person fails to comply with the financial obligation as ordered by the court or fails to appear for the offered cost or willfulness hearing, may, if the defendant has previously been notified of the possibility of a suspension, send notice of nonpayment of any court-ordered financial obligation for a moving traffic violation to Service Oklahoma with recommendation of suspension of driving privileges of the defendant until the total amount is paid or waived by the court. Every county and district court shall fully utilize and participate in the court cost compliance program.

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

**Law Enforcement/DNA Labs:** [HB 3568](#) by Rep. Robert Manger (R-OKC) and Sen. Darrell Weaver (R-Moore) requires OSBI to promulgate necessary policies, procedures and forms for participation in a rapid DNA investigative lead program, a statewide program for law enforcement agencies, outlining the collection and processing of crime scene samples utilizing rapid DNA instrumentation. The bill authorizes the OSBI to promulgate program parameters as well as provide the procedures on technical and practical procedures for law enforcement agencies concerning the training, maintenance, and use of rapid DNA instruments throughout the state.

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

**Open Records/Discovery Process:** [HB 3779](#) by Rep. Collin Duel (R-Guthrie) and Sen. Rob Standridge (R-Norman) modifies definitions and adds language relating to the Oklahoma Open Records Act. The bill reduces the list of things identified as "non-records" that are not subject to confidentiality. The bill also allows a person who requests and is denied access to records of a public body or public official to bring a civil suit under Subsection B, any person seeking declaratory or injunctive relief, or both. The person must notify the public body or public official of his or her intent to bring a civil suit to obtain relief in writing ten (10) business days prior to filing for such relief. Such notice must also be provided to the AG.

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

**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.

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The bill passed the Senate Business & Commerce Committee on Monday by a [vote](#) of 11 to 1. The bill moves to the Senate floor.

**OK Disaster Resilience Act/Interagency Resilience Coordination Council:** [HB 3820](#) by Rep. Lonnie Sims (R-Jenks) and Sen. Dave Rader (R-Tulsa) creates the Oklahoma Natural Disaster Protection and Preparedness Act. The bill replaces the State Hazard Mitigation Team with the Interagency Resilience Coordination Council led by the Oklahoma Department of Emergency Management. Each agency director in the executive branch of the state government shall designate at least one person to serve as the agency's resilience officer and shall transmit the name and contact information of each designed to the Department of Emergency Management. The agency resilience officers shall coordinate activities with ODEMA and serve on the Interagency Resilience Coordination Council.

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

**Governor's Office of Faith-based and Community Initiatives:** [HB 3840](#) by Rep. Ajay Pittman (D-OKC) and Sen. Todd Gollihare (R-Kellyville) establishes within the Department of Mental Health & Substance Abuse Services an Office of Faith-based and Community Initiatives (Office). In order to maximize the effectiveness of state government through collaboration with faith-based and community initiatives to serve Oklahomans with respect to public purposes, such as improving public safety, overcoming addiction, strengthening families and communities, and overcoming poverty, OFBCI, to the extent permitted by law. The Office may work with state, local, and community policymakers, volunteers, and public officials to facilitate coordination with and empowerment of faith-based and community organizations, where doing so, would improve such groups' service to the communities involved. The Office may work with local governments, private organizations, and citizens as it plans and engages in activities related to the Office. ODMHSAS shall annually submit a report to the Governor, Pro Tempore, and Speaker, within ninety (90) days after the end of its fiscal year,

a report setting forth its operations and accomplishments.

The bill with the enacting clause stricken passed the Senate Health & Human Services Committee on Thursday by a [vote](#) of 9 to 1. The bill moves to the Senate floor.

**Police Pension and Retirement System/Late Charges:** [HB 3858](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Lonnie Paxton (R-Tuttle) provides for a monthly late fee of five percent (5%) of the unpaid balance to be paid by the municipality to the Oklahoma Police Pension and Retirement System. The bill also updates to the latest revision of the IRS Code, effective for calendar years after 2023 with respect to certain distributions shall be considered.

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

**Law Enforcement/DUI:** [HB 3960](#) by Rep. Jon Echols (R-OKC) and Sen. Paul Rosino (R-OKC) removes the ability of the court to suspend the sentence or give probation to a third or subsequent DUI offender.

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

**Poultry Waste/Nutrient Management Plans:** [HB 4118](#) 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 passed the Senate Agriculture & Rural Affairs Committee on Monday by a [vote](#) of 8 to 1. The bill moves to the Senate floor.

**Police Pension & Retirement System Increase:** [SB 102](#) by Sen. Jessica Garvin (R-Duncan) and Rep. Steve Bashore (R-Miami) increases the benefit multiplier from two and a half percent (2.5%) to three percent (3%) for participants of the Oklahoma Police Pension and Retirement System (OPPRS). In addition, the bill increases the member's contribution rate from eight percent (8%) to nine percent (9%) and the employee's contribution from thirteen percent (13%) to fourteen (14%).

The bill passed the House Judiciary - Civil Committee on Thursday by a [vote](#) of 11 to 0. The bill moves to the House floor.

**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.

The bill with the title stricken passed the House Banking, Financial Services & Pensions Committee on Monday by a [vote](#) of 7 to 0. The bill moves to the House floor.

**Initiatives & Referendums:** [SB 518](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Mark Lepak (R-Claremore) requires voters signing a petition to place a measure on the ballot for the next election to sign using his or her legal name. The measure also authorizes the Secretary of State to charge a filing fee not to exceed Seven Hundred Fifty Dollars (\$750.00) to cover the cost of publication of notice as it relates to filing a petition. The notice must be published on the Secretary's website. Notice of such filing shall be provided to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The time period to protest a petition is increased from ten (10) days to twenty (20) days after publication.

The bill passed the House Rules Committee on Tuesday by a [vote](#) of 6 to 2. The bill moves to the House floor.

**Sales Tax Rebate/Qualifying Broadband Equipment:** [SB 1259](#) by Sen. Roger Thompson (R-Okemah) and Rep. Kevin Wallace (R-Wellston) modifies the deadline for filing rebate claims on equipment used for broadband services. The report shall be filed no later than April 1, 2025, with respect to rebates paid for equipment purchases made during calendar years 2022 and 2023 and April 1 of the second succeeding year for equipment purchases made in subsequent calendar years.

The bill passed the House A&B Committee on Wednesday by a [vote](#) of 32 to 0. The bill moves to the House floor.

**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 revolving fund for DEQ to be designated

the Blue River-Little Blue Creek Stream Health Assessment Revolving Fund. As it relates to waters emanating from a sensitive sole source aquifer, DES shall establish and perform a Blue River-Little Blue Creek Stream Health Assessment Study. DEQ shall 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 development of the study. DEQ may coordinate with other state and federal agencies as well.

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

**Volunteer Firefighter Group Insurance Pool:** [SB 1333](#) by Sen. Chuck Hall (R-Perry) and Rep. Trey Caldwell (R-Lawton) applies only to workers compensation claims for volunteer firefighters incurred prior to the effective date of this act. No later than the effective date of this act, the Volunteer Firefighter Group Insurance Pool shall be transferred to the Office of Management and Enterprise Services (OMES) Comprehensive Professional Risk Management Program. Provided, existing reserves from the Pool shall remain with CompSource Mutual Insurance Company for the purpose of managing claims incurred prior to the effective date of this act. All claims incurred on and after the effective date of this act shall be administered by (OMES). OMES may contract with a third-party administrator or hire up to 2 FTE's to administer the Pool. OMES shall collect a premium of One Hundred Twenty Dollars (\$120.00) per firefighter from state agencies, public trusts, and other instrumentalities of the state. Any funds received by OMES from any state agency, public trust, or other instrumentality for purposes of workers compensation insurance shall be deposited to the credit of the Volunteer Firefighter Group Insurance Pool. OMES shall collect premiums, pay claims, and provide excess insurance as needed. The bill directs the Office to submit an electronic report to the President Pro Tempore of the Senate, Speaker of the House, and Governor detailing the number of enrollees in the Pool and the amount of any anticipated surplus or deficiency of the Pool. Notice shall also be provided by the Office to the listed

entities of any proposed change in rates for the Pool. The bill provides that the amount of claims aid, claim expenses, underwriting losses, loss ratio, or any other financial aspect of the Pool shall not be considered when determining or considering bids. The bill also creates the Volunteer Firefighter Group Insurance Pool Revolving Fund.

The bill passed the House A&B Committee on Wednesday by a [vote](#) of 32 to 0. The bill moves to the House floor.

**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.

The bill passed the House A&B Health Subcommittee on Monday by a [vote](#) of 5 to 0. The bill moves to the House A&B Committee.

**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.

The bill passed the House A&B Public Safety Subcommittee on Monday by a [vote](#) of 8 to 1. The bill moves to the House A&B Committee.

**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.

The bill passed with the title and enacting clause struck the House A&B Public Safety Subcommittee

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

**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.

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

**Sales Tax Exemptions/OSU:** [SB 1445](#) by Sen. Dave Rader (R-Tulsa) and Rep. John Pfeiffer (R-Orlando) creates a new sales tax exemption for providing exemption for the OSU Medical Authority, the OSU Medical Authority Trust, the OSU Veterinary Medicine Authority, and the OSU Veterinary Medicine Trust to extend to any person that has duly entered into a public contract with the entities.

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

**Workers' Compensation Court of Existing Claims:** [SB 1456](#) by Sen. Pro Tempore Greg Treat (R-OKC) and Rep. Chris Kannady (R-OKC) directs the Court of Civil Appeals to establish the Court of Existing Claims (CEC) Division to replace the three-judge en banc panel of the Workers' Compensation Court of

Existing Claims. The CEC Division has jurisdiction over all appeals filed pursuant to the Workers Compensation Code or previous statute in effect on the date of an injury that occurred before February 1, 2014. CEC does not have jurisdiction over any claim arising on or after the effective date of this act. The Chief Justice of the Supreme Court must appoint one judge from a list of retired judges on a rotational basis to serve as the CEC trial judge. All judicial functions of the CEC remain under the Supreme Court's authority. The CEC must contract with the Oklahoma Workers' Compensation Commission to provide support services and personnel needs.

The bill passed the House Judiciary - Civil Committee on Thursday by a [vote](#) of 11 to 0. The bill moves to the House floor.

**Worker's Compensation/PTSD:** [SB 1457](#) by Sen. Pro Tempore Greg Treat (R-OKC) and Rep. Chris Kannady (R-OKC) adds a mental injury for a first responder who suffers post-traumatic stress disorder while responding to an emergency to be compensable. The bill defines "first responders". If the treating physician is of the opinion that the first responder is temporarily unable to perform his or her job or any alternative work offered by the employer, he or she shall be entitled to receive compensation which is the greater of the weekly benefit provided for in a collective bargaining agreement or according to the policy of the employer, or seventy percent (70%) of the injured employees average weekly wage not to exceed the state average weekly wage. If the employee has a temporary pension benefit available at no additional cost to the employee and the benefit is equal to or greater than the temporary award in this system, the employer may elect to exercise the temporary pension benefit. In no event shall the disability benefits extend beyond fifty-two (52) weeks). A first responder who receives benefits for a mental injury or illness not accompanied by a physical injury who, after reaching maximum medical improvement, is unable to perform the essential functions of his or her employment position and who is not eligible to receive a disability retirement through his or her pension or retirement system shall be eligible to be awarded permanent disability benefits not to exceed Fifty Thousand Dollars (\$50,000.00). In the event

that the Workers Compensation Commission finds that a first responder has suffered PTSD not accompanied by a physical injury, the employer shall provide reasonable and necessary medical treatment for such injury, subject to the Commissions Fee Schedule, for a period not longer than one (1) year. The employer shall not be responsible for medical treatment in the form of prescription medicine in excess of Ten Thousand Dollars (\$10,000.00). During any period in which a first responder is temporarily unable to perform his or her job, the employer must pay to maintain health insurance coverage for the first responder if such health insurance was in effect on the date of the injury. Claim payments for volunteer firefighters shall be paid pursuant to the Volunteer Firefighter Group Insurance Pool.

The bill with the title restored passed the House Judiciary - Civil Committee on Thursday by a [vote](#) of 11 to 0. The bill moves to the House floor.

**Sales Tax Exemption/Proof of Exemption for Construction Contracts:** [SB 1502](#) by Sen. Dave Rader (R-Tulsa) and Rep. Scott Fetgatter (R-Okmulgee) creates a sales tax exemption for sales of tangible personal property or services to apply to sales to the exempt entity as well as to sales to any contractor with whom the exempt entity has entered into a construction contract, necessary for carrying out such contract and sales to any subcontractor to such a construction contract. Any contractor or subcontractor making purchases necessary for carrying out such contract may present a copy of the exemption letter or card issued to the entity by OTC and documentation indicating the contractual relationship between the contractor and the entity to the vendor and the vendor shall retain such documentation as certification that the purchase is exempt.

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

**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

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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.

The bill passed the House Banking, Financial Services & Pensions Committee on Monday by a [vote](#) of 10 to 0. The bill moves to the House floor.

**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.

The bill passed the House County & Municipal Government Committee on Monday by a [vote](#) of 6 to 0. The bill moves to the House floor.

**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.

The bill passed the House County & Municipal Government Committee on Monday by a [vote](#) of 5 to 1. The bill moves to the House floor.

**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.

The bill passed the House General Government Committee on Tuesday by a [vote](#) of 8 to 0. The bill moves to the House floor.

**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.

The bill with the enacting clause struck passed the House Public Safety Committee on Tuesday by a [vote](#) of 5 to 2. The bill moves to the House floor.

**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

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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.

The bill passed the House Energy & Natural Resources Committee on Wednesday by a [vote](#) of 12 to 0. The bill moves to the House floor.

**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.

The bill passed the House County & Municipal Government Committee on Monday by a [vote](#) of 6 to 0. The bill moves to the House floor.

**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.

The bill passed the House Children, Youth & Family Services Committee on Tuesday by a [vote](#) of 4 to 0. The bill moves to the House floor.

**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.

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The bill passed the House General Government Committee on Tuesday by a [vote](#) of 8 to 0. The bill moves to the House floor.

**Law Enforcement/Burglary:** [SB 1735](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Terry O'Donnell (R-Catoosa) makes it a crime for a person who, with the intent to commit a crime, enters an area of a commercial business that is: 1) commonly reserved for personnel of the commercial business where money or other property is kept; or 2) clearly marked with a sign or signs that indicates to the public that entry is forbidden, shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment. Any second or subsequent conviction under the provisions of this subsection shall be a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than two (2) years, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

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

**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.

The bill passed the House Business & Commerce Committee on Wednesday by a [vote](#) of 8 to 0. The bill moves to the House floor.

**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.

The bill passed the House Rules Committee on Tuesday by a [vote](#) of 6 to 2. The bill moves to the House floor.

**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.

The bill passed the House A&B Health Subcommittee on Monday by a [vote](#) of 6 to 0. The bill moves to the House A&B Committee.

**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.

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

**REAP Reporting:** [SB 2008](#) by Sen. Dave Rader (R-Tulsa) and Rep. Toni Hasenbeck (R-Elgin) requires each entity to develop a plan to measure the qualitative effects of projects funded through the Rural Economic Action Plan of 1996. The plan may utilize inquiries or surveys of the public, local governments, or municipalities to measure the effect. On or before January 1, 2027, each entity required to develop a plan shall submit a report to the Oklahoma Department of Commerce detailing the qualitative effects of at least two projects that received funds pursuant to the Rural Economic Action Plan of 1996. Any expenditures associated with creating the plan required by subsection A of this section and the report required by subsection B of this section shall be made using the initial planning expenditure payments.

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The bill with the title stricken passed the House Rural Development Committee on Thursday by a [vote](#) of 6 to 4. 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 8, 2024:**

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

**Water/Groundwater Permits:** [SB 1341](#) by Sen. Brent Howard (R-Altus) and Rep. Carl Newton (R-Cherokee) requires holders of water permits to remit the annual use of water report not later than January 31 of the year following the permitted use and shall contain usage data. Nonuse, conservation, or usage practices that result in less usage than the permitted annual yield shall not result in diminishment of the permit holder's future permitted annual yield. Complaints by any individual in violation of the provisions of subsection A of this section shall be made to the Board and to the local groundwater irrigation district if such district is established pursuant to the laws of this state. Investigation of such complaints by the Board shall be made in collaboration with the local groundwater irrigation district. The bill further requires all holders of a use permit to equip each well with a water well flow meter or an alternative measuring system. The meter or alternative measuring system shall have contemporary, verifiable records. OWRB is directed to promulgate rules to establish a phase-in schedule and plan for the meter and measurement requirements. Such requirements shall be met within eight (8) years of the effective date.

**Groundwater Irrigation Districts:** [SB 1914](#) by Sen. Casey Murdock (R-Felt) and Rep. Carl Newton (R-Cherokee) requires all permit holders within a groundwater irrigation district to participate.

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

**Electrical Licensing Act:** [HB 3215](#) by Rep. Kevin West (R-Moore) and Sen. Julie Daniels (R-

Bartlesville) modifies alters the qualifications for electrical licensing exams for electrical contractors or journeyman electricians. A passing score of seventy percent (70%) or higher on each part is considered a passing score. Any applicants who fail shall not be permitted to take another examination for a period of thirty (30) days. An apprentice registration certificate or a student intern registration certificate shall be issued for one (1) year, at which time the apprentice may reregister upon meeting the requirements of the Construction Industries Board and paying the renewal fee. Effective January 1, 2026, continuing education requirements for electrical contractors, journeymen, and apprentices shall not be renewed unless the licensee has completed twelve (12) hours of continuing education every three (3) years or thirty-six (36) months preceding the expiration of the license or registration certificate. The courses must be approved by the Committee of Electrical Examiners and cover specified topics. Apprentices must complete three (3) hours of continuing education annually for registration renewal. Continuing education is not required for apprentices who are students or enrolled in an approved course.

**Wednesday, April 10, 2024:**

**House State Powers' Committee**  
**9:30 a.m., Room 5s2**

**Firearms/Age Limit:** [SB 1218](#) by Sen. David Bullard (R-Durant) and Rep. Jay Steagall (R-Yukon) prohibits a person who is eighteen (18) years or older from being denied the right to purchase a firearm based on age unless otherwise prohibited by state law.

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

**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

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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.