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### Third Quarter is Almost Over

The third quarter is almost over, and the number of bills is diminishing. One issue has risen to the top of our lists which is [HB 3777](#) by Rep. Collin Duel (R-Guthrie) and Sen. Brent Howard (R-Altus). This bill establishes requirements for the issuance of criminal subpoenas issued on behalf of or by a criminal defendant to a law enforcement agency. They can command the production of law enforcement records. The bill outlines situations under which the court must quash or modify a subpoena. A subpoena that directs the production of documents or inspection of premises before trial must be served on each party. The bill also allows for the nonappearance of persons required to submit documents, unless commanded to appear. A person subject to a subpoena to produce documents may serve written objections to the subpoena within fourteen (14) days of service of the subpoena. A subpoena may be served by any person eighteen (18) years of age or older and may be accomplished by certified mail with return receipt requested.

OML has visited with Sen. Howard and Rep. Duel and expressed the concerns brought to us by city attorneys. We will continue to work with both legislators to try and address the issues brought forth in the bill.

### Budget Talks Continue as Next Legislative Deadline Looms

Work continued on the State Budget with the House officially releasing their budget numbers. The House released a [budget transparency portal](#) on their website this week. The House budget includes an income tax cut, while the Senate's budget does not. A document that outlines the differences between the House and Senate positions can be found at this [link](#). According to the document, the House and Senate appear to be \$1.1 billion apart on their budgets.

Next Thursday marks the deadline to hear the bills and joint resolutions in the opposite chambers. After next week, we will move into the conference committee part of session. Bills that were amended must go back to the House of Origin where the Senate and House can accept or reject those changes.

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## **Bills Signed by Governor Stitt**

**Municipal Airports Act/Vertiports & Air Navigation Properties:** [HB 3672](#) by Rep. Nicole Miller (R-Edmond) and Sen. John Haste (R-Broken Arrow) defines "vertiport" to mean an area of land, water, or structure used or intended to be used for the landing and takeoff of VTOL aircraft. "VTOL aircraft" means an aircraft which has vertical takeoff and landing capability. The Department of Aerospace and Aeronautics clearinghouse adds that the Department will investigate the development of and, if necessary, create a statewide system plan that will provide the framework for the construction, development, siting, and potential partnerships required for vertiports, and other infrastructure needed to integrate AAM and UAS into the existing air transportation system of the state. The Department is authorized to enter into partnerships with any city or town of this state and any county or political subdivision or district of this state, or any public trust thereof, for the purpose of investing in and operating infrastructure and any other items necessary to integrate AAM safely and effectively and UAS into the existing air transportation system of the state as well as the testing and development of these new aeronautical technologies.

The bill goes into effect on November 1, 2024.

**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.

The bill goes into effect on November 1, 2024.

**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 goes into effect on November 1, 2024.

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## **Bills Moved to Governor Stitt's Desk**

**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 on Wednesday by a [vote](#) of 44 to 0.

**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 on Tuesday by a [vote](#) of 41 to 3.

**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 on Wednesday by a [vote](#) of 42 to 0.

**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 on Tuesday by a [vote](#) of 45 to 0.

**(OML Support) 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 on Tuesday by a [vote](#) of 44 to 0.

**Open Meeting Act/Public Notice:** [HB 3937](#) by Rep. Melissa Provenzano (D-Tulsa) and Sen. George Burns (R-Pollard) strikes expired provisions from the Oklahoma Open Meeting Act that allowed public bodies to meet by teleconference during the threat of COVID-19. The bill clarifies that all state public bodies are to post meeting information at least twenty-four (24) hours prior to regularly scheduled meetings by posting the date, time, place and agenda for the meeting in prominent public view at the principal office of the public body or at the location of the meeting if not office exists, and posting on the public body's Internet website the date, time, place and agenda for the meeting.

The bill passed the Senate on Tuesday by a [vote](#) of 44 to 0.

**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 on Tuesday by a [vote](#) of 37 to 6.

**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 on Tuesday by a [vote](#) of 44 to 0.

**Public Pools/Spas:** [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 on Tuesday by a [vote](#) of 40 to 5.

**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 on Tuesday by a [vote](#) of 41 to 0.

**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 on Wednesday by a vote of 43 to 0.

**Initiative & Referendums:** [SB 518](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Mark Lepak (R-Claremore) modifies the initiative and referendum process by allowing proponents of a referendum or an initiative petition to file a petition pamphlet with the Secretary of State at any time, and the Secretary of State must immediately begin the counting and review process.

The bill passed the House on Wednesday by a [vote](#) of 72 to 25.

**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 on Wednesday by a [vote](#) of 91 to 0.

**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.

The bill passed the House on Tuesday by a [vote](#) of 72 to 12.

**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

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governing body on dates when the municipal offices are closed.

The bill passed the House on Tuesday by a [vote](#) of 88 to 0.

**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 on Tuesday by a [vote](#) of 91 to 0.

**Attorney General Duties/Human Trafficking:** [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 on Monday by a [vote](#) of 88 to 0.

**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 on Tuesday by a [vote](#) of 85 to 0.

**Advancement of Wellness Advisory Council:** [SB 1708](#) by Sen. Ally Seifried (R-Claremore) and Rep. Cynthia Roe (R-Lindsay) outlines the appointment of the ten (10)-member Advancement of Wellness Advisory Council. Three (3) members appointed by the Governor, three (3) members appointed by the Pro Tempore of the Senate, three (3) members appointed by the Speaker of the House, and one appointed by the Commissioner of Health. Six (6) members will constitute a quorum. The bill also adds one member who is knowledgeable about cardiometabolic disease including obesity, dyslipidemia, hypertension, and diabetes; one member who represents an Urban Indian Health Center in this state or a nonprofit organization with a major focus on improving public health for citizens of federally recognized tribes in this state, and one member who represents a federally recognized tribe based in this state which maintains a tribally operated health system.

The bill passed the House on Wednesday by a [vote](#) of 88 to 2.

**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 on Tuesday by a [vote](#) of 83 to 0.

**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 on Thursday by a [vote](#) of 68 to 24.

**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 on Wednesday by a [vote](#) of 42 to 2.

### **Bills on the Move**

**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 passed the Senate by a [vote](#) of 35 to 7. The bill goes back to the House to accept or reject the Senate amendments.

**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 on Monday by a [vote](#) of 82 to 6. The bill goes back to the Senate to accept or reject the House amendments.

**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 passed the House on Monday by a [vote](#) of 89 to 0. The bill goes back to the Senate to accept or reject the House amendments.

**Law Enforcement/Larceny of Firearms:** [SB 859](#) by Sen. Darrell Weaver (R-Moore) and Rep. John George (R-Newalla) increases the penalties for larceny of a firearm to imprisonment in DOC not to exceed five (5) years or a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) or both.

The bill passed the House on Thursday by a [vote](#) of 80 to 11. The bill is ready for enrollment and then will head to Governor Stitt.

**Open Meetings Act/Public Health Emergency:** [SB 1055](#) by Sen. Chris Kidd (R-Waurika) and Rep. Daniel Pae (R-Lawton) provides a definition for "public health emergency" to mean an occurrence of imminent threat of an illness or health condition that poses a high probability of a large number of deaths or serious or long-term disabilities in the affected population, or widespread exposure to an infectious or toxic agent that poses a significant risk of harm to a large number of people in the affected population, for which the Governor or an elected official or officials of a political subdivision are authorized by law to declare an emergency. "Electronic means" means members of a public body remote from one another or other technology permitting communication among members of a public body and between members of the public body and public. During any meeting conducted utilizing electronic means, both visual and audio shall attempt to be utilized. The bill removes the definition for teleconference. It authorizes a public body to hold meetings utilizing electronic means except for in subparagraphs b and c, no less than a quorum of the public body shall be present in person at the physical meeting site. The meeting notice and agenda shall indicate if the meeting will include electronic locations and shall state the location address, website or link or telephone number of each available physical or electronic site, if applicable, and identify each member of the public body and specific physical or electronic site from which each member of the public body is physically or electronically present and participating. Once the meeting notice and agenda have been posted, no member of the public body shall be allowed to

participate in a meeting by electronic means unless such remote participation was specifically authorized in the meeting notice. A public body is authorized to hold meetings by electronic means without a quorum at a physical location open to the public in the following circumstances: any meeting conducted by a virtual charter school and board of community action agency; during a declared state of emergency in which the public body is unable to utilize the physical meeting location. A state of emergency declared by an elected official or officials of a political subdivision as authorized by law shall not be a sufficient reason to suspend the use of a physical location open to the public for more than three (3) consecutive meetings unless a state of emergency covering the political subdivision is concurrently declared by the Governor; or if the physical location designated on the meeting notice has become unsafe or otherwise inaccessible to the members of the public body and the public due to circumstances including but not limited to a gas leak, electrical failure, or structural damage to the physical location. The public body is allowed to conduct regular or special meetings utilizing electronic means subject to the following several requirements. If a public body maintains a website, has dedicated information technology employees, and has immediate access to a high-speed Internet connection, meetings shall be streamed live on the public body's website. Video of such meetings shall be maintained by the public body and available to the public for a period of at least seven (7) business days after the adoption of the meeting minutes. This shall not apply if a public body determines the implementation of this would create a significant financial burden to the public body. A public body that makes a good faith effort to comply with the provisions of this section shall be immune from liability for court costs and attorney fees in a civil action brought for a violation of the requirements of this section of law.

The bill passed the House on Wednesday by a [vote](#) of 90 to 1. The bill goes back to the Senate to accept or reject the House amendments.

**Law Enforcement/ARIDE:** [SB 1279](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Kevin West (R-Moore) authorizes DPS to establish and administer a pilot program to increase the availability of Advanced



Roadside Impaired Driving Enforcement (ARIDE) training. The purpose of the program is to increase the number of peace officers qualified to conduct certain drug-impairment screening tests during impaired driving investigations. DPS is authorized to fund, administer the program, and establish grant criteria regarding the administration of the program.

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

**Water & Wastewater Infrastructure Investment Program:** [SB 1331](#) by Sen. David Bullard (R-Durant) authorizes OWRB to establish and administer a Water and Wastewater Infrastructure Investment Program. The Program shall include development of competitive loans for eligible entities seeking to develop and implement water or wastewater improvement projects. OWRB shall promulgate rules to effectuate the provisions of this act and loan criteria for the Program. Of the monies appropriated to the fund, OWRB have full discretion of all monies within the fund for enhancements, leveraging and reserve capacities for the OWRB loan and grant programs, system evaluation and risk assessment assistance, and long-range infrastructure planning. Loan monies shall be allocated based on the most current census data available and shall be as follows: 1) twenty-five percent (25%) for approved projects located within a municipality or county with a population of more than four hundred thousand (400,000) or the equivalent thereof for other eligible entities as prescribed by OWRB; 2) twenty-five percent (25%) for approved projects located within a municipality or county with a population that is greater than thirty thousand (30,000); and 3) fifty percent (50%) for approved projects located within a municipality or county with a population of less than thirty thousand (30,000).

The bill was amended and passed with the enacting clause stricken by the House A&B Committee on Wednesday by a [vote](#) of 31 to 0. The bill moves to the House floor.

**Economic Development:** [SB 1428](#) by Sen. Jerry Alvord (R-Wilson) and Rep. Tammy Townley (R-

Ardmore) creates until July 1, 2030, an investment rebate program for the cost of qualified capital expenditures. To qualify, the manufacturer must have acquired property in a municipality with a population between seventeen thousand (17,000) and forty-two thousand (42,000), where the qualified capital will be located. To be eligible for consideration for an investment rebate payment, the establishment must submit an application and documentation to the Oklahoma Department of Commerce, outlining a capital expenditure plan with capital expenditures totaling no less than Eight Hundred Million Dollars (\$800,000,000.00), with at least twenty percent (20%) of that amount already spent. 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. The Department of Commerce shall approve or disapprove applications and use monies from the newly created Commerce Manufacturing Activity Development Fund.

The bill passed the House A&B Committee on Wednesday by a [vote](#) of 29 to 2. The bill moves to the House floor.

**Oklahoma Ports Infrastructure Revolving Fund:** [SB 1429](#) by Sen. John Haste (R-Broken Arrow) and Rep. Nicole Miller (R-Edmond) creates the Oklahoma Ports Infrastructure Revolving Fund (OPIRF). Such monies shall include but not limited to: monies received by ODOT for waterway projects or infrastructure projects at public water ports; principal and interest and penalty payments on loans made directly from appropriated monies in the fund; and any other sums deposited into the fund from any public or private source. The monies placed in the OPIRF shall be invested by the State Treasurer. Income and earnings from the fund shall accrue to the fund and may be used for the purposes provided for in this section. Any interest earned shall be deposited in the OPIRF. A qualified project shall: 1) enhance the safe and efficient operation of the commercial waterway systems of this state; or 2) repair, improve, or construct waterway or industrial park infrastructure located at or within waterway ports of this state that are determined to provide a public benefit. Projects must be developed in coordination with the United States Army Corps of Engineers and all Indian tribes with an ownership

interest in the riverbed of the Arkansas River when necessary. ODOT is authorized to issue loans from the Fund and grant an amount not exceeding ten percent (10%) of the funds available in the OPPIRF during a one (1) year for qualified projects. ODOT shall promulgate rules necessary to effectuate this act. ODOT shall also promulgate rules to ensure any grants or loans made from the OPIRF are made at market-competitive terms.

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

**Economic Development/COMPETE Act:** [SB 1447](#) by Sen. Kristen Thompson (R-Edmond) and Rep. Mike Osburn (R-Edmond) creates the Creating Oklahoma's Modern Plan for Economic Transformation and Effectiveness (COMPETE) Act. The bill creates a separate and distinct agency to be designated as the Oklahoma Office of Economic Development, Growth, and Expansion. All responsibilities pertaining to economic development currently held by the Department of Commerce shall be transferred to the newly created Office. The Office shall: strategically drive opportunities for economic growth and diversification across the state; collaborate across local, regional, and state entities; coordinate the funding and investment activities of each element of the state economic development efforts and marketing campaigns; and act as the principal point of contact regarding investment in this state for public officials, businesses, and the public.

There is created a nine (9) member board: three (3) members appointed by the President Pro Tempore of the Senate; provided at least one appointed member shall be from a municipality with a population of sixty thousand (60,000) people or less; three (3) members appointed by the Speaker of the House; provided, at least one appointed member shall be from a municipality with a population of sixty thousand (60,000) people or less; and three (3) members appointed by the Governor; provided at least one appointed member shall be an economic development practitioner from this state.

The Board shall appoint an Executive Director of the Office with the experience outlined in the bill and

serve as an advisory body for policy. The bill also creates the Division on Economic Development, Growth and Expansion within the Oklahoma Department of Commerce.

The Legislature shall create the Legislative Evaluation and Development Committee. The Committee shall review financing or individual incentive packages which shall include packages offering tax incentives, funds for economic development, and when the annual investment exceeds Seventy-five Million Dollars (\$75,000,000.00). The Office shall inform the Committee of when it plans to present a project for the Committee's consideration. The meetings of the Committee are subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act. Marketing plans, financial statements, trade secrets, or any other commercially sensitive information about persons, firms, associations, partnerships, agencies, corporations, or other entities shall be confidential. The bill also creates the Economic Development, Growth, and Expansion Revolving Fund, which shall consist of all monies received by the Office from appropriations and donations, grants, contributions, or gifts from any public or private source.

The bill with the enacting clause stricken passed the House A&B Committee on Wednesday by a [vote](#) of 31 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.

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The bill passed the House A&B Committee on Wednesday by a [vote](#) of 31 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 on Thursday by a [vote](#) of 75 to 10. The bill is ready for enrollment and then will head to Governor Stitt.

**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.

The bill passed the House on Thursday by a [vote](#) of 53 to 35. The bill is ready for enrollment and then will head to Governor Stitt.

**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.

The bill passed the House on Monday by a [vote](#) of 87 to 2. The bill goes back to the Senate to accept or reject the House amendments.