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

Oklahoma Municipal League
201 N.E. 23rd Street
OKC, OK 73105
Phone: 1-800-324-6651 /
405-528- 7515
Fax: 405-528-7560
Email: leslie@oml.org
Internet: www.oml.org



Grocery Tax Clarification Minus Moratorium Heads to Governor Stitt

SB 1283 by Sen. Pro Tempore Greg Treat (R-OKC) and Speaker Charles McCall (R-Atoka) adds definitions for "bottled water" and "food sold with eating utensils" provided by the seller, as it relates to the state sales tax exemption on groceries and food items. The bill amends the definition of "prepared food" to clarify that food sold with eating utensils provided by the seller is taxable if it does not include a container or packaging used to transport the food. The definition of prepared food is further modified to exclude food sold by a food manufacturer, food sold in an unheated state by weight or volume as a single item and food sold that ordinarily requires additional cooking by the consumer prior to consumption. The bill eliminates the temporary moratorium on local sales tax increases on food and food ingredients that would have been in place until June 30, 2025.

The bill is ready for enrollment and will go to Governor Stitt.

PTSD Passes Senate and Goes to Governor Stitt

On Thursday, the Senate passed **SB 1457** by Pro Tempore Greg Treat (R-OKC) and Rep. Chris Kannady (R-OKC) by a vote of 41 to 0. The bill 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 is ready for enrollment and will go to Governor Sitt.

Governor Stitt Vetoes Water Metering Bill

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

shall adhere to the cumulative maximum annual yield for the basin or subbasin over the five-year period.

Governor's [veto](#) message.

Bills Signed by Governor Stitt

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

The bill goes into effect on November 1, 2024.

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

The bill went into effect on April 26, 2024.

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 goes into effect on November 1, 2024.

Open Meeting Act/Video Conferencing & Teleconferencing: [HB 3780](#) by Rep. Collin Duel (R-Guthrie) and Sen. Jessica Garvin (R-Duncan) eliminates the language pertaining to the use of teleconferencing and video conferencing during a state of emergency to respond to the threat of COVID-19.

The bill goes into effect on November 1, 2024.

Firefighter Pension and Retirement System/Military Credit: [HB 4051](#) by Rep. Stan May (R-Broken Arrow) and Sen. Dave Rader (R-Tulsa) allows a member who served in the Armed Forces of the United States or any component thereof and who was honorably discharged may receive up to five years of prior or participating military service credit, only upon payment of the actuarial cost of service credit as determined by the Oklahoma Firefighters. The service credit provided shall be administered pursuant to subsections B through D of this section, including but not limited to, only full-time active duty military service not for training only purposes, unless discharged from active duty for a service-connected disability, as reflected on the members Defense Department Form 214, shall be considered for prior service credit and such prior service credit shall only be used in determining the member's retirement benefit but shall not be used in determining years of service for retirement, vesting purposes or eligibility for participating in the Oklahoma Firefighters Deferred Option Plan.

Section 1 of the bill goes into effect on October 1, 2024. Section 2 of the bill goes into effect on November 1, 2024.

Law Enforcement/Larceny of Gift Cards: [HB 4069](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Darrell Weaver (R-Moore) adds gift cards to larceny of merchandise. The bill modifies the crime of falsely manufacturing of credit and debit cards to include the cloning or altering any credit, debit or similar card containing a magnetic strip capable of storing data. The bill provides that the possession of three (3) or more cards containing cloned or altered data is a rebuttable presumption that the person possesses the cards with the intent to defraud. The bill modifies the penalties for possession of cloned or altered cards by providing that the possession of five or fewer cards is a felony punishable by a term of imprisonment of not less than two (2) years nor more than five years and a fine of up to Five Thousand Dollars (\$5,000.00). Possession of six (6) to twenty (20) cards is a felony punishable by imprisonment of not less than five years and not more than ten years and a fine of not more than Ten Thousand Dollars (\$10,000.00). Possession of twenty (20) or more falsely made cards is a felony punishable by a term of imprisonment of not less than ten (10) years and not more than twenty (20) years and a fine of up to One Hundred Thousand Dollars (\$100,000.00).

The bill goes into effect on November 1, 2024.

Law Enforcement/Immigration: [HB 4156](#) by Speaker Charles McCall (R-Atoka) and Sen. Pro Tempore Greg Treat (R-OKC) provides that impermissible occupation occurs if the person is an alien and willfully and without permission enters and remains in the State of Oklahoma without having first obtained legal authorization to enter the United States. A conviction is a misdemeanor punishable by imprisonment in the county jail for up to one (1) year, a fine of not more than Five Hundred Dollars (\$500.00) or both fine and imprisonment. A second or subsequent conviction is a felony, punishable by imprisonment for up to two (2) years, a fine of up to One Thousand Dollars (\$1,000.00) or both fine and imprisonment. Any person convicted of impermissible occupation is required to leave the state within seventy-two (72) hours following conviction or release from custody, whichever comes later. The bill provides penalties for any alien who has been denied admission, excluded, or removed, or has departed the United

States while an order of removal is outstanding and then enters or attempts to enter or is found in Oklahoma is guilty of a felony. Law enforcement is required to collect all identifying information of persons arrested for impermissible occupation and cross-reference the information with relevant criminal databases. OSBI is authorized to maintain the collected information. The bill provides that it is an affirmative defense that the person has been granted lawful presence by the federal government or has been granted asylum by the federal government or the defendant was approved for benefits under DACA. The bill prohibits eligibility for probation or delayed sentencing or participation in community sentencing for convictions of impermissible occupation. The bill declares a statewide preemption on legislation concerning the presence of persons who enter and remain in the state without legal authorization. The bill also provides a severability clause.

The bill goes into effect on July 1, 2024.

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 goes into effect on November 1, 2024.

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 two (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 goes into effect on July 1, 2024.

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 goes into effect on November 1, 2024.

Electric Vehicle Charging Act: [SB 1587](#) by Sen. Chuck Hall (R-Perry) and Rep. Brian Hill (R-Mustang) modifies the definition of electric vehicle as it relates to the Oklahoma Electric Vehicle Charging Act to requires such vehicles to draw current from fuel cells to power an electric motor. The bill defines "fuel cell" to mean a cell that converts the chemical energy of hydrogen directly into electricity through electrochemical reactions. The bill also defines "hydrogen fueling station" to mean any equipment that dispenses hydrogen into a motor vehicle or electric vehicle powered by a fuel cell. The bill clarifies that the provisions of the Act shall not be construed as to prohibit an electric supplier or municipal corporation from operating, leasing, installing, or otherwise procuring service from an electric vehicle charging station or

hydrogen fueling station on its own premises for the sole purpose of serving its own electric vehicles that is not open to the public. The bill does not apply to fueling stations that were constructed, provided by, owned, operated, or maintained by a retail electric supplier or municipal corporation prior to November 1, 2023.

The bill goes into effect on November 1, 2024.

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 goes into effect on November 1, 2024.

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 goes into effect on November 1, 2024.

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 goes into effect on November 1, 2024.

Law Enforcement/SAFE Board: [SB 1933](#) by Sen. Kay Floyd (D-OKC) and Rep. Kevin Wallace (R-Wellston) creates the Sexual Assault Forensic Evidence (SAFE) Board within the Office of the Attorney General. The Board's duties include developing a comprehensive training plan for equipping and enhancing the work of law enforcement, prosecutors, victim advocates, Sexual Assault Nurse Examiners, and multidisciplinary Sexual Assault Response Teams (SARTs) across all jurisdictions within this State; identify and pursue grants and other funding source to address untested

sexual assault forensic evidence kits; examine the process for gathering and analyzing sexual assault forensic evidence kits and work with members of the Legislature to draft proposed legislation to improve the response of medical and law enforcement systems to sexual assault; and other duties. The Board shall promulgate rules establishing criteria for the collection of sexual assault forensic evidence; establish and maintain statistical information; and other duties assigned by law.

The bill goes into effect on November 1, 2024.

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

The bill goes into effect on November 1, 2024.

Bills Moved to Governor Stitt's Desk

Law Enforcement/DUI: [HB 3000](#) by Rep. Rande Worthen (R-Lawton) and Sen. Tom Woods (R-Westville) creates the Impaired Driving Prevention Advisory Committee (IDAP) with one of the members being the President of the Oklahoma Association of Chiefs of Police. The Committee is authorized to collect, analyze, and interpret relevant crash data on impaired driving and associated traffic crashes. In addition, the Committee is authorized to review, evaluate, and monitor the impaired driving system of this state and provide a network of communication and cooperation among the various stakeholders to coordinate and integrate efforts and resources to reduce the incidence and severity of impaired driving crashes. The

Committee must annually complete a statewide strategic plan to reduce the incidents of impaired driving and impaired driving crashes. The plan shall be submitted to the Governor, Speaker, and President Pro Tempore. Members of the Committee who are employed by a state agency or political subdivision must serve without additional compensation but are entitled to receive reimbursement in accordance with the State Travel and Reimbursement Act. The bill removes a requirement that the period of revocation and the Impaired Driver Accountability Program run concurrently. It also requires that pulmonologist certify medical exemptions from ignition interlock requirements. The Board of Tests for Alcohol and Drug Influence is authorized to promulgate rules necessary to regulate ignition interlock devices and the providers of such devices and to charge appropriate fees for operations incidental to its duties. No licensed interlock provider utilizing a lease, clause, or contractual agreement that authorizes the provider impound, physically immobilize, or seize a vehicle may be licensed by the Board. The Board is authorized to prescribe and approve the requisite education and training for the performance of ignition interlock services and establish qualifications for individuals who provide ignition interlock services. The bill directs that the diving record of a person subject to revocation who enrolls in IDAP is to be updated to indicate completion of IDAP without revocation under certain conditions.

The bill passed the House on Tuesday by a [vote](#) of 77 to 0.

State Fire Marshals/Grills & Griddles: [HB 3169](#) by Rep. Dell Kerbs (R-Shawnee) and Sen. Grant Green (R-Wellston) requires the State Fire Marshal Commission to promulgate rules allowing the use and storage of propane-fueled grills and flattop griddles and electric wood pellet grills on boat docks; provided, that the act of using such cooking instruments is performed within ten (10) feet of a fire extinguisher. The fire extinguisher shall be installed and maintained in accordance with the most current version of NFPA 10 (Standard for Portable Fire Extinguishers). Any violations or penalties shall be assessed to the person committing acts contrary to this subsection. The owner or operator of the marina

or dock shall not be held liable for the actions of its tenants or others.

The bill passed the House on Wednesday by a [vote](#) of 87 to 3.

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 Senate on Thursday by a [vote](#) of 42 to 0.

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 House rejected Senate amendments. The bill is awaiting a conference committee assignment.

Eminent Domain: [HB 2191](#) by Rep. Kevin West (R-Moore) and Sen. Todd Gollihare (R-Kellyville) prohibits the taking of private property or damaged

by a condemning authority unless the taking or damage is necessary for public use and with just compensation. The public purpose or public benefit of economic development, including an increase in tax base, tax revenues, employment, or general economic health, does not constitute a public use. Nothing in subsection A shall be construed to prohibit the taking of private property for public use because public use also provides ancillary economic benefits. The court shall strictly construe eminent domain statutes in favor of the property owner and against the condemning authority. A governmental body subordinate to the state may not exercise, create, extend, or expand the power of eminent domain in the absence of statutory authority. Additional procedures, remedies, or limitations that do not deny or diminish the substantive and procedural rights and protections of property owners under this section may be provided by other law, ordinance, or charter. The bill also provides definitions for abandoned property, blighted property, and public use.

The House rejected the Senate amendments. The bill is awaiting a conference committee assignment.

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 House rejected the Senate amendments. The bill is awaiting a conference committee assignment.

Arkansas River Levee Projects Revolving Fund: [HB 3288](#) by Rep. Kyle Hilbert (R-Bristow) and Sen. Cody Rogers (R-Tulsa) creates the Arkansas River Levee Improvement Revolving Fund for OWRB. OWRB is appropriated from the General Fund, the sum of Fifty Million Dollars (\$50,000,000.00) to perform the duties imposed upon OWRB by law.

The House rejected the Senate amendments. The bill is awaiting a conference committee assignment.

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 House rejected the Senate amendments. The bill is awaiting a conference committee assignment.

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

The House rejected the Senate amendments. The bill is awaiting a conference committee assignment.

Poor Persons/Repealer: [HB 3766](#) by Rep. Josh Cantrell (R-Kingston) and Sen. Chris Kidd (R-Waurika) repeals all of the statutes in Title 56 Chapter 3 related to the care of Indigent poor persons.

The House rejected the Senate amendments. The bill is awaiting a conference committee assignment.

Municipal Water and Wastewater Infrastructure Investments: [HB 3854](#) by Rep. Rusty Cornwell (R-Vinita) and Sen. Micheal Bergstrom (R-Adair) creates an investment rebate program through July 1, 2029. for the cost of water and wastewater infrastructure investments by municipalities with a population between five thousand (5,000) and seven thousand (7,000). The bill lays out the provisions by which a municipality may be eligible for consideration for an investment rebate payment: submit an application and documentation to the Department of Commerce, outlining the planned water and wastewater infrastructure expenditures of at least Thirty Million Dollars (\$30,000,000.00); provide documentation that the water and wastewater infrastructure expenditures exceeds One Hundred Million Dollars (\$100,000,000.00); and have made expenditures of no less than twenty percent (20%) of the water and wastewater expenditure plan outlined in the application submitted by the municipality. Commerce shall approve or disapprove claims for rebates and shall issue payment for all approved claims from funds held in the Water Infrastructure for Economic Development Fund.

The House rejected the Senate amendments. The bill is awaiting a conference committee assignment.

Economic Development/Investment Rebate Program: [HB 4019](#) by Rep. Mark McBride (R-Moore) and Sen. Jerry Alvord (R-Wilson) creates until July 1, 2030, an investment rebate program for the cost of qualified capital expenditures that: are defined or classified in the NAICS Manual under Industry Group No. 325120 and have acquired real property located within the boundaries of a municipality with a population of twenty thousand (20,000) and thirty thousand (30,000) where the qualified capital will be located. The bill spells out the criteria for qualifying for the program. The Oklahoma Department of Commerce shall approve or disapprove claims for rebates for disbursement from the newly created Commerce Manufacturing Activity Development Fund.

The House rejected the Senate amendments. The bill is awaiting a conference committee assignment.

Poultry Waste/Nutrient Management Plan: [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 House rejected the Senate amendments. The bill is awaiting a conference committee assignment.

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 was assigned Senate conferees: Sens. Daniels, Floyd, Gollihare, Howard and Kidd.

Alcoholic Beverages/Marissa Murrow Act: [SB 1057](#) by Sen. Paul Rosino (R-OKC) and Rep. Jon Echols (R-OKC) creates the Marissa Murrow Act. The bill defines "event venue" to mean a location, property, space, premises, grounds, building or buildings, or other site that offers to the general public for rent, lease, reservation, or other contractual use, for the hosting of a function, occasion, or event, special, private, or public, of a temporary nature. The location, property, space, premises, grounds, or building or buildings defined in this paragraph shall not include organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3). The annual event license is Five Hundred Dollars (\$500.00). A caterer shall not sell or distribute alcoholic beverages on the premises of an event venue unless the event venue holds an event venue license.

The bill was assigned Senate conferees: Sens. Brooks, Coleman, Haste, (K) Thompson, and Rosino.

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 first seek to coordinate with a qualified in-state university for the purpose of defining the study scope and conducting the work necessary to complete data collection and the development of the Blue River-Little Blue Creek Stream Health Assessment Study. However, if no in state universities are qualified, 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 was assigned Senate conferees: Sens. Alvord, Bullard, Dossett, Garvin and Pederson.

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 was assigned Senate conferees: Sens. Daniels, Hall, Hicks, Howard, Rader and Rosino.

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.

The bill was assigned Senate conferees: Sens. Coleman, Haste, Pugh, Seifried, (K) Thompson, Weaver and Young.

Law Enforcement/Retail Theft: [SB 1450](#) by Pro Tempore Greg Treat (R-OKC) and Rep. John George (R-Newalla) provides that actions relating to theft, retail theft, or larceny shall constitute organized retail crime when two (2) or more of the following circumstances occur: if the property taken is intended for resale, if multiple people acted jointly to take the property, the persons taking the property used tools, the persons taking the property use an alternate exit, the persons taking the property have a means of getaway, the persons taking the property disable antitheft measures, the persons taking the property use a container, the persons taking the property use a getaway driver or the persons use a paper, fraudulent, altered, or obstructed license plate, use a license plate meant for a different vehicle, or do not have any license plate as a means of evading detection. Violations of this section shall be punished, and the person shall be ordered to pay restitution to the victim. The bill authorizes the Office of the Attorney General to employ officers to serve on the Oklahoma Organized Retail Crime Task Force to prevent, investigate, and prosecute criminal violations related to organized retail crime.

The Senate rejected the House amendments. The bill is awaiting a conference committee assignment.

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 was assigned Senate conferees: Sens. Hall, Hamilton, Jech, Kidd, Paxton, Rader and Young.