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The End is Near

The 59th Legislature is nearing the end. Pursuant to the Oklahoma Constitution, the Legislature must adjourn by 5:00 p.m. on the final Friday in May. This week the Legislature agreed to the budget after several summit meetings. The final day of meetings began with the Governor outlining his requests in exchange for agreeing not to veto any of the budget bills. Both the House and Senate plan to start the JCAB process on Monday (yes, Memorial Day) which will include 44 bills. With five (5) days left of Session, there are still a lot of issues that OML is tracking. So, we are not ready to turn out the light just yet.

One of those issues we are working is [HB 3777](#) by Rep. Collin Duel (R-Guthrie) and Sen. Brent Howard (R-Altus). The bill creates a new process related to criminal subpoenas and municipalities, municipal police departments, and municipal attorneys will have to endure a costly new issue of responding to broad and unlimited subpoena requests.

Without limits, criminal defense attorneys could issue subpoenas for unrelated body cam footage, vehicle mounted camera videos, traffic camera videos, and police reports at any time. Defense attorneys can already obtain body and vehicle camera footage under the Open Records Act.

Criminal defense attorneys can also attempt to intimidate the crime victim, all witnesses, and those who may have a connection with the victim by issuing subpoenas with no rules as to timing or methods of objection.

Oklahoma municipal courts and police departments are not set up to deal with the unfunded workload imposed by this bill. Municipal open records responders and the municipal courts would be overwhelmed with these unrestricted subpoenas.

Currently the criminal discovery code has a clear, thought-out, and just process on timelines and limitations on when and what documents can be requested. Disrupting this process with HB 3777 will negatively impact the criminal justice system and will not protect victims.

This legislation is opposed by OML, the Oklahoma Association of Municipal Attorneys, the Oklahoma Municipal Judges Association, the Oklahoma Association of Chiefs of Police, Sheriffs and District Attorneys.

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

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Governor Vetoes Police Pension Bill

On Tuesday, Governor Stitt vetoed [SB 102](#) by Sen. Jessica Garvin (R-Duncan) and Rep. Chris Kannady (R-OKC). The bill increased 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 increased 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%).

Governor Stitt's [veto](#) message stated that the increased contributions will not offset the costs of the increased benefits. This will cause the System's funding ration to meaningfully decline.

OML has heard there may be attempts to override this veto. We will let you know if there is any traction on an override attempt.

Bills Signed by Governor Stitt

City-County Library Meetings: [SB 5](#) by Sen. Kevin Matthews (D-Tulsa) and Rep. Mary Boren (D-Norman) authorizes the City-County Library Commission to hold at least four (4) meetings each year and at other times as deemed necessary by the Commission.

The bill goes into effect on July 1, 2024.

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 goes into effect on November 1, 2024.

Bills Moved to Governor Stitt's Desk

9-1-1 Management Authority/Repealer: [HB 2426](#) by Rep. Stan May (R-Broken Arrow) and Sen. Casey Murdock (R-Felt) repeals Sections 2869.1 and 2869.2 of Title 63.

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

Ambulances/Out-of-Network Ambulance Provider Act: [HB 2872](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Paul Rosino (R-OKC) establishes the minimum allowable reimbursement rate under any health care benefit plan issued by a health care insurer to an out-of-network ambulance service provider for providing covered ambulance services shall be at a rate set or approved, whether in contract or ordinance, by a local governmental entity in the jurisdiction in which the covered ambulance services originate. In the absence of the rates provided in subsection A, the rate shall be the lesser of: three hundred twenty-five percent (325%) of the current published rate for ambulance services as established by the Centers for Medicare and Medicaid Services under Title XVIII of the Social Security Act for the same services provided in the same geographic area; or the ambulance service provider's billed charges. Payment in compliance with this section shall be considered payment in full for the covered ambulance services provided, except for any copayment, coinsurance, deductible, and other cost-sharing feature amounts required to be paid by the enrollee. An ambulance service provider is prohibited from billing the enrollee for any additional amounts for the paid covered services in excess of what the healthcare insurer pays. In administering and paying claims, a health care insurer shall comply with Section 1219 of Title 36. The bill also modifies the definition of health care benefit plans to include government sponsored self-insured plans.

The bill passed the House on Thursday by a [vote](#) of 88 to 1.

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 OPIRF during any 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 Senate on Wednesday by a [vote](#) of 34 to 3.

Law Enforcement/School Resource Officers: [SB 1521](#) by Sen. Dewayne Pemberton (R-Muskogee) and Rep. Dick Lowe (R-Amber) authorizes a school district participating in the School Resource Officer Program to give priority to a law enforcement officer who is trained in school-based law enforcement and crisis response. If a law enforcement officer as described in paragraph 1 of this subsection is unavailable, a participating school district may employ or contract with a retired law enforcement

officer or security guard who is licensed pursuant to the Oklahoma Security Guard & Private Investigator Act. The law enforcement agency that serves the area in which a school district is located must preauthorize any individual employed or contracted with under this paragraph. The school shall require a background check on the individual. The law enforcement agency that serves the area in which the school district is located allow an authorized individual employed or contracted with the school district access to the preauthorizing agency's radio system, pursuant to this paragraph and a police band radio system, pursuant to this paragraph and a police band radio system which may be used by the individual in the performance of his or her duties to be paid for by the employing district. A school district may use funds from the School Security Revolving Fund to cover the cost of the radio system.

The bill passed the Senate on Wednesday by a [vote](#) of 37 to 0.

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 Senate on Wednesday by a [vote](#) of 35 to 3.

Bills on the Move

Municipal Zoning/Comprehensive Plans: [HB 1599](#) by Rep. Jon Echols (R-OKC) and Sen. Lonnie Paxton (R-Tuttle) establishes that municipal zoning decisions are legislative in nature and valid unless the challenging party proves the ordinance lacks a substantial relation to the public health, safety, or general welfare of the public light of objective and relevant facts, or if the decision constitutes an unreasonable, arbitrary exercise of police power. If the validity of a challenged zoning ordinance or zoning decision is fairly debatable, in light of objective and relevant facts, the legislative judgment

of the municipality must stand. Comprehensive plans may be utilized as a guide in the decision-making process; however, determinations must be made in light of objective and relevant facts outlined in the municipal code. The bill also establishes that municipal platting decisions are quasi-judicial in nature. The respective Planning Commission and City Council of a municipality shall have reasonable discretion to determine the compliance of preliminary and final plats with the municipality's adopted subdivision regulations and all applicable codes and ordinances. If the Council and Planning Commission determines the proposed plat is in compliance with the adopted subdivision code, and meets all applicable ordinances, both accept any proposed dedications, the plat shall be approved. In the case of a preliminary or final plat denial, the objecting governing body member is required to identify their basis for denial. Comprehensive plans are allowed to be used as a guide when making zoning or plat decisions, but decisions are required to be based on objective and relevant facts and the municipal code.

The bill passed the House on Thursday by a [vote](#) of 69 to 20. The bill goes to the Senate.

Sales Tax Exemption/Commercial Digital Asset Mining: [HB 1600](#) by Rep. Chris Kannady (R-OKC) and Sen. Bill Coleman (R-Ponca City) adds a new sales tax exemption for sales of machinery and equipment used for commercial mining of digital assets. Beginning on the effective date of this act and ending on December 31, 2029, the exemption applies to the sales of machinery and equipment, including but not limited to, servers, computers, racks, power distribution units, cabling, switchgears, transformers, substations, software, network equipment, and electricity used for commercial mining of digital assets purposes in a colocation facility.

The bill was presented in the House GCCA on Thursday and opened for signatures. The Senate conferees are Coleman, Burns, Haste, Jett, Newhouse, and Young.

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 has been assigned to House GCCA. The Senate conferees are Sens. Hicks, Pugh, Rader, Seifried, and Thompson (Kristen)

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 provides a definition for "public use".

The bill was presented in the House Judiciary - Civil Committee on Thursday and opened for signatures. The Senate conferees are Gollihare, Howard, Daniels, Jech, Weaver, and Brooks.

Water & Water Rights/Water Usage: [HB 2197](#) by Rep. Dick Lowe (R-Amber) and Sen. Lonnie Paxton (R-Tuttle) authorizes a provisional temporary permit to be issued three (3) times for the oil and gas industry except in a sole source aquifer. The bill also 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 House on Thursday by a [vote](#) of 86 to 2. The bill goes to the Senate.

Open Records Act/Public Access Counselor/AG's Office: [HB 2287](#) by Rep. John Pfeiffer (R-Orlando) and Sen. Greg McCortney (R-Ada) creates in the Attorney General's office a Public Access Counselor Unit. Any person whose request to inspect or copy a public record is denied by a public body, except the Legislature and committees, commissions, and agencies thereof, may file a request for review with the Public Access Counselor not later than thirty (30) days after the date of the final denial. The request for review must be in writing, signed by the requester, and include: a copy of the request for access to records and any response from the public body. A person who makes the request for commercial purposes may not file a request for review. If the public body treats the request for review as a commercial purpose, the individual may file a request with the Public Access Counselor to review whether the public body properly determined the request. The Public Access Counselor must forward a copy of the request for the public body to review within seven (7) business days after receipt and specify the records or other documents that the public body shall furnish to facilitate the review. If the public body fails to respond, the AG may issue a subpoena to any person or public body having knowledge of or

records pertaining to a request for review of a denial of access to records. There is a process for extending the time by the Public Access Counselor with notification to the requester and public body. The opinion shall be binding upon both the requester and the public body. Upon receipt of the binding opinion, the public body must either take the necessary action to comply or file a suit in the proper district court. The AG may also issue advisory opinions to public bodies regarding compliance with this act.

The bill has been assigned to the House General Government Conference Committee. The Senate conferees are Sens. Daniels, Floyd, Howard, McCortney, and Paxton.

Environment/PFAS Act: [HB 2305](#) by Rep. John Pfeiffer (R-Orlando) and Sen. Dave Rader (R-Tulsa) defines "AFFF", "AFFF waste", and "PFAS". 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 to the environment: a public water system; 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 related to PFAS, including rules related to a waste exclusion plan. DEQ is required to establish a schedule of fees for the disposal. A person shall submit an application to DEQ and receive authorization from the Department prior to receiving, storing, treating, or disposing of more than two hundred (200) pounds of AFFF waste per day. Nothing shall relieve the manufacturer of PFAS containing material from liability related to the storage, treatment, or disposal of PFAS waste. AFFF waste generated in or transported from another state shall maintain the same classification or characterization it would receive in the state of origin unless the classification or characterization is

less protective of human health and the environment.

The bill was presented in the House Energy & Natural Resources Conference Committee on Thursday and opened for signatures. The Senate conferees are Rader, Paxton, Green, Howard, Jett, and Boren.

Workers' Compensation: [HB 2375](#) by Rep. Chris Kannady (R-OKC) and Sen. Roger Thompson (R-Okemah) modifies administration components of the permanent partial disability benefits structure. The bill changes certain judicial procedures for employer noncompliance and adjusts various compensation rates for injuries occurring on after the date of the adjustment. The AG is authorized to investigate violations of workers' compensation laws and perform unannounced on-site inspections. The bill details beneficiary priority among surviving relatives and requires claims for travel reimbursement to be made within one year of the travel with reimbursement being issued within sixty (60) days of the receipt of request. The bill outlines the process in which an employer or employee may request the services of an independent medical examiner to draw conclusions before the Commission and mandates the appropriate compensation to be paid to the employee based on the medical examiner's findings. The Workers' Compensation Commission is additionally authorized to review any compensation judgment, award, or decision at any time upon filing of an application for a finding of a change of condition for the better.

The bill was presented on Monday to the House Judiciary – Civil Conference Committee and opened for signatures. The Senate Conferees are Thompson (Roger), Treat, McCortney, Daniels, and Floyd.

Youth Access to Tobacco/Wrongful Sales: [HB 3331](#) by Rep. Cynthia Roe (R-Lindsay) and Sen. JoAnna Dossett (R-Tulsa) modifies the fines that the ABLE Commission may impose for 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. Fines are not to exceed: • One Hundred Dollars (\$100) to the employee and

Two Hundred Fifty Dollars (\$250) to the store owner for the first offense, Two Hundred Dollars (\$200) to the employee and Five Hundred Dollars (\$500) to the store owner for the second offense within two years following the first offense, Three Hundred Dollars (\$300) to the employee and One Thousand Dollars (\$1,000) to the store owner for a third offense within a two-year period following the first offense, Three Hundred Dollars (\$300) to the employee and One Thousand Dollars (\$1,000) to the store owner for a fourth or subsequent offense within a two-year period following the first offense.

The bill was presented in the House Judiciary – Criminal Conference Committee on Monday and opened for signatures. The Senate conferees are Dossett, Rosino, Haste, Gollihare, Stanley, and Hicks.

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 seedlings of loblolly, ponderosa, shortleaf, and slash pine trees for grown for commercial timber; and defines "farming" or "farm" shall include timber produces. The bill also defines "timber" and "timber producer". The term timber producer does not include a person who harvests timber primarily for the production of firewood.

The bill has been referred to the House GCCA and Senate GCCA.

Poor Persons/Repealer: [HB 3766](#) by Rep. Josh Cantrell (R-Kingston) and Sen. Chris Kidd (R-Waurika) repeals Title 56, Section 54 pertaining to dealing with sick and death of poor persons.

The bill was presented in the House Children, Youth and Family Services Conference Committee on Tuesday and opened for signatures. The Senate conferees are Kidd, Rosino, Haste, Daniels, Pugh, and Hicks.

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 (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. Subject to the approval and ongoing review of the eligibility application by Commerce, the investment rebate payment authorized by this act shall be equal to the cost of the water and wastewater infrastructure expenditures in the year of expenditure, not to exceed Thirty-five Million Dollars (\$35,000,000.00) for any 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. If the entity which is described by NAICS Manual Industry Group No. 71311 in paragraph 2 of subsection B of this section does not begin receiving gross revenue from the sale of tickets within sixty (60) months, any incentive payments paid by Commerce that have been paid pursuant to this section shall be required to be repaid by the establishment not later than 90 days after a formal written demand for payment is communicated to the establishment.

The bill has been assigned to the House GCCA. The Senate conferees are Sens. Bergstrom, Hall, Hicks, Howard, Rader, and Rosino.

Attorney General Duties: [HB 3972](#) by Rep. Jon Echols (R-OKC) and Sen. David Bullard (R-Durant) authorizes the Attorney General to accept assignments from any person and represent those claims in legal matters or proceedings within the jurisdiction of the State of Oklahoma. "Person" means a natural person, corporation, partnership,

limited liability company, proprietorship, association, municipal corporation, including any public trust which has a municipal corporation as its beneficiary, or other political subdivision of this state, including any public trust which has a political subdivision as its beneficiary, or any other legal entity. The AG is not required to accept any assignment, nor shall it limit the AG's discretion to decline an assignment for any reason deemed appropriate by the Attorney General or his or her designee. The Office of the AG shall only accept an assignment when it determines it is in the best interest of the public. In determining the best interest of the public, the Attorney General shall consider factors such as: protection of public health, safety, and welfare; economic vitality and job creation; environmental sustainability, and equity and fair treatment for all citizens.

The bill was presented in the House GCCA. It is now open for signatures. The Senate conferees are Thompson (Roger), Bullard, Pederson, Garvin, Gollihare, and Dossett.

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 adds an amendment to the Oklahoma Pension Legislation Actuarial Analysis Act (OPLAAA) defining the benefit increase as non-fiscal.

The bill passed the Senate on Thursday by a vote of 39 to 0. The bill moves to the House.

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, DEQ shall establish and perform a Blue River-Little Blue

Creek Stream Health Assessment Study. DEQ shall coordinate with a research 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. DEQ shall preference resources and partnerships within this state during evaluation for the performance of conducting this study.

The bill was presented in House GCCA on Thursday and is open for signatures. The Senate conferees are Alvord, Bullard, Pederson, Garvin, and Dossett.

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 exemptions for the OSU Medical Authority and Trust and the OSU Veterinary Medicine Authority and Trust that has duly entered into a public contract with the entities.

The bill was presented to the House GCCA on Thursday. It is now open for signatures. The Senate conferees are Rader, Howard, Daniels, Hall, Rosino, and Hicks.

Medical Marijuana/Certificate of Occupancy: [SB 1635](#) by Sen. Bill Coleman (R-Ponca City) and Rep. T.J. Marti (R-Broken Arrow) requires any marijuana-licensed premises, medical marijuana business or any other premises licensed to grow, process, store or manufacture marijuana to submit with its application or request to change location, a certificate of occupancy from the political subdivision or State Fire Marshal. If the political subdivision does not have an authority having a jurisdiction agreement on file with the State Fire Marshal's office, the State Fire Marshal shall certify compliance with all applicable codes. Once a certificate of occupancy has been submitted to OMMA, the licensee shall only need to submit an affidavit for renewal stating the premises continues to comply with zoning classifications, municipal ordinances, and all applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes. If there is a change of use or occupancy, an additional certificate of occupancy along with an affidavit shall be submitted. Municipalities or the State Fire Marshal may

implement an inspection program to verify compliance. If an application for renewal is submitted in violation, OMMA shall suspend operations of licensees' premises until compliance is reestablished. All existing medical marijuana business licensees that do not possess a valid certificate of occupancy, where required, shall be subject to revocation until such time as a valid certificate of occupancy is obtained for all applicable structures. This provision shall not apply to medical marijuana business licensees who submitted a full and complete application for a valid certificate of occupancy to the State Fire Marshal or political subdivision with an authority having jurisdiction agreement on file with the State Fire Marshal before November 1, 2023, and while the same application remains under review by the State Fire Marshal or political subdivision. Medical marijuana business licensees are responsible for compliance with applicable state fire, building, and electrical codes and may be liable for all damage that results from noncompliance with state fire, building, and electrical codes to the extent authorized by law. The bill also requires licensed medical marijuana testing laboratories to test samples from each final product harvest batch or final production batch, prohibiting licensed commercial growers or processors from transferring any product to a dispensary until final product testing is complete.

The bill has been signed out of conference.

Ownership of Land/Foreign Governments: [SB 1705](#) by Sen. Brent Howard (R-Altus) and Rep. Anthony Moore (R-Clinton) prohibits foreign governments, foreign government adversary, and foreign government enterprises from acquiring land. The bill also authorizes a person's attorney-in-fact, court-appointed guardian or personal representative, authorized officer of the entity, or trustee to execute the affidavit when registering a deed with the county clerk. The bill outlines which deeds are exempt from this affidavit. The AG may establish additional exemptions the AG deems necessary to substantially comply with the requirements of this section. The county clerk may accept an affidavit in substantial compliance with the affidavit form promulgated by the AG.

The Senate rejected the House amendments on Thursday. The bill is awaiting conference committee assignments.

Sine Die

Due to the craziness of next week, there will not be an Advocate prepared. We have already begun preparing the Sine Die report summarizing the bills that impact cities and towns. The Governor will have fifteen (15) days to act on any bill that is passed next week. Therefore, the report will not be ready until the middle of June.

Thank you again for your support this Session.