

07-25

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### CALM BEFORE THE STORM

This week at the Legislature, the Senate and the House worked Monday and Tuesday and took the rest of the week off for Spring Break. Next week will be a very active week due to the legislative deadline on Thursday, March 27<sup>th</sup>. There are over 250 number of bills available to be heard in the House and over 350 bills in the Senate. Things will move quickly, so be ready to respond to Action Alerts we send your way.

OML is tracking several big bills that will have impact on our cities and towns. Please reach out to your Senator and ask them to vote yes on [SB 650](#). SB 650 by Sen. Pro Tempore Lonnie Paxton (R-Tuttle) and Rep. Erick Harris (R-Edmond) proposes a shift in public policy on sanitary sewer operations by rewarding municipalities that are meeting certain maintenance and operational standards with liability protections from nuisance-based tort claims.

Recent court rulings have changed the nuisance rulings from a per occurrence to a per occupant decision making it fiscally challenging for our municipalities. The legislation also adds exemptions to address Court of Civil Appeals rulings such as flooding or backup from excessive rainfalls creating flow in excess of system design capacity.

Municipalities will still be held responsible for any actual damage and injury, and the damage limit is being increased by forty percent (40%), and the aggregate cap of all claims from a single occurrence is raised by twenty-five percent (25%).

Currently, funds that could be used to upgrade and maintain aging infrastructure are going towards attorney's fees and being spent on litigation. SB 650 provides those protections from nuisance-based claims while still paying for any actual damage caused by a sewer backup.

[HB 1166](#) by Rep. Mike Kelley (R-Yukon) and Sen. Brent Howard (R-Altus) removes the provision that allows municipalities to annex territory without the written consent of a majority of property owners of the proposed territory.

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HB 1166 provides that the required municipal services extension plan be included in both the public notice published in the newspaper and the notice mailed to all owners of proposed territory to be annexed. If the extension of municipal services is not complete within one hundred twenty (120) months from the date of annexation, the territory is to be immediately detached.

Under current statute if the land is agriculture land of 5 acres or more prior to annexation, the land is exempt from ordinances restricting land use and building.

OML provided language that would have required additional notice and would have added a petition process. We are still willing to work on that language.

[HB 1627](#) by Rep. Trey Caldwell (R-Faxon) and Sen. Kelly Hines (R-Edmond) was a former bill pertaining to PERB and FMCS. This week new language was dropped into the bill that has nothing to do with police and fire unions. This bill proposes to create the Safe Neighborhoods Act.

The bill authorizes a property owner or triple net leaseholder to submit a claim for compensation if a city, town, or county adopts and follows a policy, pattern or practice of declining to enforce existing laws, ordinances, or other legislation prohibiting illegal public camping, obstructing public thoroughfares, loitering, panhandling, public urination or defecation, public consumption of alcohol, possession or use of illegal substances or shoplifting, or if a property owner incurs documented expenses to mitigate the effects of such a policy, pattern, practice, or public nuisance on the property owner's real property or if the fair market value of the owners private real property is reduced by this policy, pattern, practice, or public nuisance. Compensation amounts are to be equal to the reduction in the fair market value of the property or the expenses incurred to mitigate the effects of such a policy. Property owners can submit a claim once per tax year. The compensation cannot exceed the amount paid in property taxes for the previous year and is in lieu of any claim for monetary damages. If the city, town, or county rejects or fails to respond to the claim within thirty (30) days, the property owner

can file a cause of action in the trial court of the county in which the property is located to challenge the rejection of the claim. In the cause of action filed, the city, town, or county shall bear the burden of demonstrating the actions are lawful or claim is unreasonable, the property owner is not liable to the city, town, or county for attorney fees or costs, and a prevailing property owner shall be awarded reasonable attorney fees and costs.

### **BILLS ON THE MOVE:**

**Firearms/Municipal Carry Act:** [HB 1095](#) by Rep. Derrick Hildebrant (R-Catoosa) and Sen. Christi Gillespie (R-Broken Arrow) creates the Municipal Carry Act. The bill authorizes the governing body of a city or town to authorize the concealed carry of handguns into any building or office space, except those listed in paragraph 2 of this subsection, which is owned or leased by a city or town. Elected officials of a municipality, as well as municipal employees approved by the city council may carry a concealed handgun when acting in the performance of their duties. The city council may approve municipal judges as persons to carry firearms in the performance of their duties only in municipal buildings that fall within the jurisdiction of the elected official, municipal judge, or municipal employee. Firearms may not be carried into a courtroom or other areas specifically designated by ordinance or resolution as firearm-prohibited location. Nothing in this law requires elected officials or designated employees of the municipality to carry a firearm as a condition of employment or service with the municipality.

The bill was [amended](#) and passed the House on Tuesday by a [vote](#) of 66 to 13. The bill moves to the Senate.

**Law Enforcement/Use of Service Animal:** [HB 1178](#) by Rep. Marilyn Stark (R-Bethany) and Sen. David Bullard (R-Durant) makes it a crime for an individual who does not have a disability or is not trained to assist individuals with a disability, from using a service animal in an attempt to gain treatment or benefits as an individual with a disability, upon conviction, is guilty of a misdemeanor.

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The bill passed the House on Tuesday by a [vote](#) of 52 to 28. The bill moves to the Senate.

**Unauthorized Camps:** [HB 1764](#) by Rep. Dell Kerbs (R-Shawnee) and Sen. Warren Hamilton (R-McCurtain) prohibits any person from using state-owned, county-owned, or municipal-owned lands for the purposes of establishing an unauthorized camp. The governing body of any county or municipality may opt out of this section by a majority vote of the governing body.

The bill passed the House on Monday by a [vote](#) of 67 to 15. The bill moves to the Senate.

**ODOT/Invasive Woody Species:** [HB 1822](#) by Rep. Carl Newton (R-Cherokee) and Sen. Casey Murdock (R-Felt) requires ODOT to establish and implement a program for the systematic identification, removal, and management of invasive woody species within rights-of-way under its jurisdiction. The eradication program shall include the following components: surveys to identify the presence and extent of invasive woody species, develop a prioritized plan for eradication and control; use best management practices for removal; monitor and follow-up measures to prevent reestablishment; and collaborate with local, state, and federal agencies to leverage expertise and resources.

The bill passed the House on Monday by a [vote](#) of 84 to 0. The bill moves to the Senate.

**OK Urban Agriculture Cost-Share Program:** [HB 1910](#) by Rep. Arturo Alonso-Sandoval (D-OKC) and Sen. Nikki Nice (D-OKC) creates the Oklahoma Urban Agriculture Cost-Share Program within the Oklahoma Conservation Commission to provide monies to eligible people for the purpose of promoting sustainable urban agricultural practices, improving food security, and enhancing green spaces in Oklahoma's urban areas.

The bill passed the House on Monday by a [vote](#) of 51 to 34. The bill moves to the Senate.

**Texting While Driving:** [HB 2263](#) by Rep. Nicole Miller (R-Edmond) and Sen. Todd Gollihare (R-Kellyville) prohibits the operator of a motor vehicle from using or holding of a hand-held electronic

cellular device in school zone or work zone when workers are present. The provisions do not apply if a person is using the cellular telephone or electronic communication device: in conjunction with hands-free or voice-operated technology; or for the sole purpose of communicating with in an imminent emergency situation. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing such conduct. The ordinances may not be more stringent than state law; and the total fine and court costs for municipal ordinance violations shall not exceed One Hundred Dollars (\$100.00). DPS may not assess points for violation and law enforcement is prohibited from confiscating or extracting information from the cellular device without consent.

The bill passed the House on Monday by a [vote](#) of 59 to 24. The bill moves to the Senate.

**Firearms/Medical Marijuana:** [SB 39](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Judd Strom (R-Copan) prohibits an individual from carrying a firearm while under the influence of medical marijuana. An applicant for a handgun license shall not be considered ineligible solely on the basis of being a lawful holder of a medical marijuana patient license. Nothing in this section of law shall be construed to be allow OSBI to deny an otherwise qualified applicant from obtaining a handgun license pursuant to the Oklahoma Self-Defense Act solely on the basis of the applicant being a lawful holder of a medical marijuana patient license.

The bill passed the Senate on Tuesday by a [vote](#) of 45 to 0. The bill moves to the House.

**OK Quality Events Incentive Act:** [SB 578](#) by Sen. Bill Coleman (R-Ponca City) and Rep. Mike Kelley (R-Yukon) extends the Oklahoma Quality Events Incentive Act through June 30, 2031.

The bill passed the Senate on Monday by a [vote](#) of 34 to 11. The bill moves to the House.

**Medical Marijuana/Locations from Schools:** [SB 640](#) by Pro Tempore Lonnie Paxton (R-Tuttle) and Rep. Tim Turner (R-Kinta) increases the location of any medical marijuana dispensary from one thousand (1,000) feet to three thousand (3,000) feet

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of any school entrance unless currently licensed prior to the effective date of this act. On and after the effective date of this act, if any place of worship is established within three thousand (3,000) feet of any retail marijuana dispensary after a license has been issued by OMMA for that location, the setback distance between properties shall not apply as long as the licensed property is used for its original licensed purpose. The licensed location shall be grandfathered in as to the setback distance as long as the property is used in accordance with the original licensed purpose. "Place of worship" means any permanent building, structure, facility, or office space owned, leased, or rented on a full-time basis, and used weekly for worship services, activities, or business of the religious organization, which shall include, but not be limited to, churches, temples, synagogues, and mosques.

The bill was [amended](#) passed the Senate on Tuesday by a [vote](#) of 38 to 5. The bill moves to the House.

**Law Enforcement/Driving Under Influence: [SB 786](#)** by Sen. Darrell Weaver (R-Moore) and Rep. John George (R-Newalla) prohibits a person from consuming marijuana or inhaling secondhand medical marijuana smoke due to another person's consumption of medical marijuana while operating a motor vehicle on a public highway, street or alley. A person operating a motor vehicle on a public highway, street or alley shall not possess any open container that contains marijuana in the passenger area of the motor vehicle. Any person convicted of violating this section shall in addition to any fine imposed, pay a special assessment trauma-care fee of Two Hundred Fifty Dollars (\$250.00) to be deposited in the Trauma Care Assistance Revolving Fund.

The bill passed the Senate on Monday by a [vote](#) of 40 to 5. The bill moves to the House.