

16-25

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## In This Issue:

Happy Memorial Day	1
Budget Bills Pass with Impact on Tort Reform	1
Governor Vetoes Multiple Bills	3
Governor Signs Bills	3
Bills Become Law Without Signature	4
Bills Move to Governor's Desk	4
Bills on the Move	6

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

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### HAPPY MEMORIAL DAY

As Session is rapidly coming to an end, we want to take a moment to reflect on this Memorial Weekend. OML would like to honor and remember the brave men and women who gave their lives in service to our country. Thank you for your sacrifice and dedication.

### BUDGET BILLS PASS WITH IMPACT ON TORT REFORM

The Legislature passed the FY 2026 Budget this week and those bills have been sent to the Governor. They will return to the Capitol next week to finalize a few additional issues and to look at any veto overrides. If you are interested in the specifics of the budget, the House and the Senate have both created online Budget Portals that contain all of the information.

[House Budget Portal](#)

[Senate Budget Transparency Dashboard](#)

Last week when Legislative Leadership announced that they had agreed to a budget deal, they stated that the package would contain income tax cuts, workers' compensation, business courts, tort caps, and sewer liability reform. While the final version of the bill had not yet been fully finalized, there was a clear understanding among legislative leadership of what the bill would contain.

Neither OMAG nor OML participated in negotiating the overall provisions of the legislation, nor were we asked to do so. However, due to OMAG's long-standing efforts to highlight the financial risks posed by "stacking" liability limits in sewer overflow claims, they were invited to provide input on that one specific issue—not on operational standards or exemption language.

On Monday, May 19, OMAG met with the Senate Pro Tem's office to review draft language. It was made clear that the structure and amounts in the legislation were already determined. OMAG focused its input on the need for a clear, all-inclusive cap on sewer overflow claims. In response, legislative counsel and Senator Brent Howard revised the bill to include a firm cap on total sewer liability per occurrence.

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The language that was included in SB1168, sets the sewer overflow liability limits at:

- **\$225,000 per occurrence** for municipalities with populations under 150,000
- **\$275,000 per occurrence** for municipalities with populations over 150,000

The bill also establishes the following liability caps:

- **\$75,000** for property damage
- **\$250,000** (under 150K population) / **\$375,000** (over 150K) for other loss (i.e., personal injury)
- **\$225,000** (under 150K) / **\$275,000** (over 150K) for nuisance claims
- **\$2 million aggregate** per occurrence (with indemnification still capped at \$1 million)
- A definition of “occurrence”
- Automatic CPI increase in caps every 5 years

While SB1168 does not reflect the recommended reforms—such as standards, immunities, or exemptions—it marks some progress. OMAG remains committed to pursuing further liability protections in future Sessions and OML will support these efforts.

**SB 1168** by Sen. Chuck Hall (R-Perry) and Rep. Trey Caldwell (R-Faxon) expands the definition of "employee" as it relates to the Governmental Tort Claims Act to include a public trust and any sole member not-for-profit corporation of the public trust and any sole member not-for-profit subsidiary of such corporation. The bill defines “occurrence” to mean a loss arising out of an accident or event or a continuous or repeated exposure to substantially the same general harmful conditions. All losses arising out of an accident or event or a continuous or repeated exposure to substantially the same general harmful conditions shall be deemed to have arisen out of one occurrence. Political subdivision is expanded to include public libraries. The bill increases the maximum liability the state or its political subdivisions shall be subject to from Twenty-five Thousand Dollars (\$25,000.00) to Seventy-five Thousand Dollars (\$75,000.00) as it relates to any claim or to any claimant who has more than one claim for loss of property arising out of a single act, accident, or occurrence. For any number of claims arising from loss of property or discomfort

in nuisance claims arising out of a single act, accident, or occurrence, the amount is capped at Two Hundred Twenty-five Thousand Dollars (\$225,000.00) in counties with a population less than one hundred fifty thousand (150,000) and Two Hundred Seventy-five Thousand Dollars (\$275,000.00) in counties with a population greater than one hundred fifty thousand (150,000).

In no event shall the total liability of the state and its political subdivision for a claim for nuisance exceed Two Hundred Seventy-five Thousand Dollars (\$275,000.00) per occurrence. In no event shall the total liability of the state and its political subdivisions for a claim for nuisance exceed Two Hundred Seventy-five Thousand Dollars (\$275,000.00) per occurrence. In no event shall the total liability of the state and its political subdivisions for a claim arising from municipal sewer overflow exceed Two Hundred Seventy-five Thousand Dollars (\$275,000.00) per occurrence.

The maximum amount awarded to any claimant for a claim for any other loss arising out of a single act, accident, or occurrence is increased from One Hundred Twenty-five Thousand Dollars (\$125,000.00) to Two Hundred Fifty Thousand Dollars (\$250,000.00) in counties with a population less than one hundred fifty thousand (150,000). The amount for awards given to individuals in counties with a population greater than one hundred fifty thousand (150,000) is increased from One Hundred Seventy-five Thousand Dollars (\$175,000.00) to Three Hundred Seventy-five Thousand Dollars (\$375,000.00). The limits for awards relating to state mental health hospitals have increased from Two Hundred Thousand Dollars (\$200,000.00) to Three Hundred Thousand Dollars (\$300,000.00). The bill caps aggregate awards arising from a single occurrence or accident at Two Million Dollars (\$2,000,000.00). The total liability of a public trust hospital and physician who provides medical services on the premises of a public trust hospital that is located in a county with a population of fewer than seventy-five thousand (75,000) but who is not employed by such hospital, to not exceed One Million Dollars (\$1,000,000.00). If the physician is employed by another group, the total limit of liability shall be the higher coverage. For claims within the scope of GTCA, the liability limits in this

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section for claims on or after the effective date of this act shall be adjusted beginning January 1, 2031, and every five (5) years thereafter for inflation to reflect the lesser percentage of CPI published by the Bureau of Labor Statistics of the US Department of Labor for such period or four percent (4%) in any five-year period.

The bill passed the Senate on Tuesday by a [vote](#) of 42 to 0. The bill passed the House on Thursday by a [vote](#) of 85 to 1. It moved to Governor Stitt's desk on Thursday.

### **GOVERNOR VETOES MULTIPLE BILLS**

Governor Stitt continued vetoing bills this week.

**Oklahoma Organized Retail Crime:** [HB 1592](#) by Rep. John George (R-Newalla) and Sen. Darrell Weaver (R-Moore) defines "organized retail crime" based on specific circumstances involving theft, retail theft, or larceny. It establishes penalties based on the value of stolen property is less than Fifteen Thousand Dollars (\$15,000.00) can be punished by imprisonment up to five (5) years in DOC or in the county jail for a term not to exceed one (1) year, or a One Thousand Dollars (\$1,000.00) fine for property valued below Fifteen Thousand Dollars (\$15,000.00); up to eight (8) years in prison or a One Thousand Dollars (\$1,000.00) fine for property valued at Fifteen Thousand Dollars (\$15,000.00) or more. It mandates restitution to victims as per Section 991f of Title 22. The term "municipalities" is added to the definition of the locations where a person can engage in a pattern of criminal offenses, expanding the scope of jurisdictions. The bill recreates the Oklahoma Organized Retail Crime Task Force to continue until June 1, 2026. The members that are currently serving will automatically continue. The bill authorizes the Attorney General to staff the task force. The Office of the AG may employ, either directly or through memorandums of understanding or cross-deputization agreements, people to serve as Oklahoma Organized Retail Crime Task Force officers whose primary responsibility is to prevent, respond to, investigate and prosecute criminal violations related to organized crime.

The Governor stated in his [veto message](#) that bill would extend the sunset on the Organized Retail Crime Task Force another two years. The purpose of the task force is to provide the Governor and the Legislature with information regarding organized retail crime. It's impossible to stymie the growth of government when every task force becomes a permanent government agency.

### **GOVERNOR SIGNS BILLS**

**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 that is owned or leased by a city or town, except those listed in paragraph 2 of this subsection. Elected officials of a municipality, as well as municipal employees approved by the governing body may carry a concealed handgun when acting in the performance of their duties within municipal buildings that are within the jurisdiction of the elected official or municipal employee. A firearm may not be present inside a firearm-prohibited location which includes: any building or office space on municipally owned or leased property designated as a firearm-prohibited location, and any police department, courthouse, courtroom, prison, jail, detention facility, or any facility used to process, hold, or house arrested persons, prisoners, or persons alleged delinquent or adjudicated delinquent. Any municipal judge who is in possession of a valid handgun license may carry when acting in the course and scope of employment within the courthouse of the municipality that is within the jurisdiction of the municipal judge. Nothing shall in this law require an elected official or designated employees of the municipality to carry a firearm as a condition of employment or service with the municipality.

The bill goes into effect on November 1, 2025.

**Eminent Domain/Attorney Fees:** [HB 2036](#) by Rep. Nick Archer (R-Elk City) and Sen. Casey Murdock (R-Felt) directs courts to provide reimbursement of attorney fees in certain eminent domain hearings. Property owners are eligible for attorney, appraisal,

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and engineering fee reimbursement if: the condemning authority requests a jury trial and the jury's award is at least ninety percent (90%) of the commissioners' award; the condemning authority and the property owner request a jury trial and the jury's award is equal to or greater than the commissioners' award; or the condemning authority makes a written settlement offer after the commissioners' report and the jury's award exceeds the offer by at least ten percent (10%).

The bill goes into effect on November 1, 2025.

### **BILLS BECOME LAW WITHOUT SIGNATURE**

While the Governor's pen was busy signing and vetoing bills, multiple bills became law when they were sent to the Secretary of State without his signature.

**Failure to Yield:** [HB 1022](#) by Rep. Ken Luttrell (R-Ponca City) and Sen. Avery Frix (R-Muskogee) provides for any person convicted of failure to yield a right-of-way and who causes a serious bodily injury as a result of such violation may, in addition to any other fine or penalty, be assessed a fee in the amount of Five Hundred Dollars (\$500.00) to be deposited in the Motorcycle Safety and Education Program Revolving Fund. For the purposes of this section, a serious bodily injury is an injury that is serious in nature but does not quite rise to the level of injury of great bodily injury or a fatality. In addition to the fee, the court may impose additional penalties, including: a remedial driving course; a loss of driver's license for ninety (90) days; or a payment of restitution.

The bill went into effect on May 22, 2025.

**Open Meeting Act/Executive Session:** [SB 491](#) by Sen. Brian Guthrie (R-Bixby) and Sen. Derrick Hildebrant (R-Catoosa) authorizes each public body to enter executive session to discuss the sale, lease, or acquisition of real property by the public body.

The bill goes into effect on November 1, 2025.

**Law Enforcement/Dual Office Holding:** [SB 1091](#) by Sen. Darrell Weaver (R-Moore) and Rep. Jason Blair

(R-Moore) allows a campus police officer who is elected to serve as an elected member of the governing board of a town or municipality that is outside of the town or municipality where the person serves as a campus police officer.

The bill went into effect on May 22, 2025.

### **BILLS MOVE TO GOVERNOR'S DESK**

**Law Enforcement Records/Subpoenas:** [HB 1563](#) by Rep. Collin Duel (R-Guthrie) and Sen. Brent Howard (R-Altus) provides that a subpoena issued on behalf of a defendant to a law enforcement agency, business, or commercial entity shall be subject to certain provisions. Such subpoena may compel a law enforcement agency to produce body camera videos, vehicle-mounted camera videos, traffic camera videos, law enforcement incident reports, and a recording of the administration of a sobriety test. Commercial entities may be compelled to turn over the production of a recording in the possession of the business or commercial entity, which covers a reasonable period of time before, during, or after the commission of the criminal act alleged in a complaint, indictment, or information. Subpoenas compelling the production of the individual record of a person may be assessed as prescribed by state law. The bill establishes a maximum record copying fee of twenty-five cents (\$0.25) per page and a maximum amount of One Dollar (\$1.00) per copied page for a certified copy. The bill also establishes a maximum Twenty-five Dollar (\$25.00) fee for recordings. Subpoenaed law enforcement agencies may notify the defendant that the production of requested records may violate certain state laws outlined in the measure. Upon receipt of this notice, the defendant shall inform the law enforcement agency of the desire to receive the subpoenaed records with redactions and notify the law enforcement agency, and the prosecuting agency of the application made to the court of competent jurisdiction for the release of the unredacted or unobscured records and the date and time of hearing on the application. The issuing party is required to take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The bill provides for a motion to be made on the subject of the subpoena to



quash the subpoena if it fails to provide such reasonable steps.

The bill passed the House on Wednesday by a [vote](#) of 85 to 4. The bill passed the Senate on Wednesday by a [vote](#) of 46 to 0. It moved to the Governor's desk on Thursday.

**Public Nuisances:** [HB 2622](#) by Rep. Erick Harris (R-Edmond) and Sen. Todd Gollihare (R-Kellyville) provides that the repeated use of any real property or structure to commit unlawful drug distribution, prostitution, violations of the Massage Therapy Practices Act, or human and/or sex trafficking acts shall constitute a public nuisance.

The bill passed the House on Thursday by a [vote](#) of 76 to 0. The bill passed the Senate on Thursday by a [vote](#) of 42 to 0. It moved to the Governor's desk on Thursday.

**OK Opioid Abatement Revolving Fund:** [HB 2777](#) by Rep. Trey Caldwell (R-Faxon) and Sen. Chuck Hall (R-Perry) appropriates Twenty Million Dollars (\$20,000,000.00) to be budgeted to the Opioid Lawsuit Settlement Fund (Fund 383). The bill also appropriates One Million Two Hundred Fifty-three Thousand Six Hundred Fifty-eight Dollars (\$1,253,658.00) to be distributed to the non-litigation subdivisions.

The bill passed the House on Tuesday by a [vote](#) of 86 to 0. The bill passed the Senate on Thursday by a [vote](#) of 43 to 1. It moved to the Governor's desk on Thursday.

**OWRB/ARPA Funds:** [HB 2789](#) by Rep. Trey Caldwell (R-Faxon) and Sen. Chuck Hall (R-Perry) appropriates Three Million Three Hundred Thousand Dollars (\$3,300,000.00) to the Oklahoma Water Resources Board (OWRB) to cover increased projects costs related to Pandemic Relief Funding, as well as appropriates Six Million Six Hundred Twenty-five Thousand Six Hundred Sixty-one Dollars and Forty-eight Cents (\$6,625,661.48) to OWRB to complete projects that did not receive funds in the grants program. The bill also creates the State Recovery Special Account for the OWRB for each of the aforementioned appropriations, provides that the OWRB cannot spend more than four percent (4%) of the funds on administrative

costs, and requires the OWRB to submit quarterly report to the Legislature on its expenditures and contracts.

The bill passed the House on Tuesday by a [vote](#) of 83 to 5. The bill passed the Senate on Thursday by a [vote](#) of 36 to 8. It move to the Governor's desk today.

**Commerce/PREP Funds:** [HB 2794](#) by Rep. Trey Caldwell (R-Faxon) and Sen. Chuck Hall (R-Perry) appropriates the following funds from the Progressing Rural Economic Prosperity Fund to the Oklahoma Department of Commerce:

- Five Million Dollars (\$5,000,000.00) to fund a municipal park located in a county with a population greater than seven hundred fifty thousand (750,000) and north of I-344 and west of I-35.
- Four Million Dollars (\$4,000,000.00) to relocate a naval submarine located east of State Highway 165 and north of State Highway 62; and
- One Million Eight Hundred Thousand Dollars (\$1,800,000.00) for infrastructure improvements at an industrial park located south of State Highway 62 and east of State Highway 283.

The bill passed the House on Tuesday by a [vote](#) of 61 to 30. The bill passed the Senate on Thursday by a [vote](#) of 25 to 20. It moved to the Governor's desk today.

**OK Ethics Commission/Political Subdivisions Enforcement Fund:** [HB 2795](#) by Rep. Trey Caldwell (R-Faxon) and Sen. Chuck Hall (R-Perry) increases the funding cap for the Ethics Commission's "Political Subdivisions Enforcement Fund" from One Hundred Fifty Thousand Dollars (\$150,000.00) to Four Hundred Fifty Thousand Dollars (\$450,000.00).

The bill passed the House on Tuesday by a [vote](#) of 84 to 0. The bill passed the Senate on Thursday by a [vote](#) of 42 to 4. It moved to the Governor's desk on Thursday.

**OK Disaster Mitigation & Recovery Matching Fund:** [HB 2796](#) by Rep. Trey Caldwell (R-Faxon) and Sen. Chuck Hall (R-Perry) allows the Oklahoma Department of Commerce to deposit funds in any

account or subaccount as needed, in any amount, up to and including the full amount of the available funds in order to pay eligible activities at any time. Commerce may exercise discretion to determine the appropriate amount of funds needed to support eligible activities.

The bill passed the House on Tuesday by a [vote](#) of 81 to 4. The bill passed the Senate on Thursday by a [vote](#) of 45 to 0. It moved to the Governor's desk on Thursday.

**Sales Tax Exemption/Firearm Safety Devices:** [SB 50](#) by Sen. JoAnna Dossett (D-Tulsa) and Rep. Nick Archer (R-Elk City) creates a sales tax exemption for the sales of firearm safety devices and gun safety devices. The bill defines "firearm safety device" and "gun safety device".

The bill passed the Senate on Thursday by a [vote](#) of 38 to 6. The bill passed the House on Thursday by a [vote](#) of 88 to 0. It moved to the Governor's desk on Thursday.

**Sales Tax Exemption/Nonprofits/School Supplies and Clothing:** [SB 59](#) by Sen. Dave Rader (R-Tulsa) and Rep. Suzanne Schreiber (D-Tulsa) creates a new sales tax exemption for nonprofit organizations and provides documentation to OTC showing the organization's principal purpose is to provide school supplies or articles of clothing for underserved students attending prekindergarten through twelfth grade at public schools in the state.

The bill passed the House on Thursday by a [vote](#) of 51 to 34. It moved to the Governor's desk on Thursday.

**Finance/Surcharge Repealer:** [SB 677](#) by Sen. Spencer Kern (R-Duncan) and Rep. Emily Gise (R-OKC) allows a seller to offer discounts to a consumer that elects to pay by cash, check or debit card in lieu of payment by credit card. There shall be no limit on the discount that may be offered by the seller. Pursuant to the regulations of the Administrator, a seller who provides a discount not in accordance with regulations shall disclose such information to the Administrator. Any seller that wishes to impose a surcharge for credit card transactions is required to clearly post a notice about

the surcharge for both in-store and online transactions. If the transaction is processed over the phone, the surcharge must be verbally disclosed to the consumer. The surcharge is limited to two percent (2%) of the total transaction amount or the processing cost for the retailer, whichever is less. The bill defines "credit card", "seller", and "surcharge". If the seller only accepts credits cards for payment, no surcharge may be imposed. The repeals Title 14A, Section 2-417 of the Oklahoma Statutes, which bans surcharges for credit and debit card transactions. The bill leaves in the language that allows a public trust or municipality the ability to charge service fees as a result of providing the transaction.

The bill passed the Senate on Thursday by a [vote](#) of 41 to 2. It moved to the Governor's desk on Wednesday.

**OWRB/PREP Fund:** [SB 1151](#) by Sen. Chuck Hall (R-Perry) and Rep. Trey Caldwell (R-Faxon) appropriates Two Million Dollars (\$2,000,000.00) to OWRB to provide water infrastructure funding to a rural water sewer and solid waste management district. The bill appropriates Two Million Dollars (\$2,000,000.00) to OWRB to construct water lines. The bill also appropriates Two Hundred Thousand Dollars (\$200,000.00) to OWRB to establish a grant program for water and wastewater infrastructure, and to improve deficient dams.

The bill passed the Senate on Tuesday by a [vote](#) of 28 to 16. The bill passed the House on Thursday by a [vote](#) of 92 to 0. It now moves to the Governor's desk.

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

**Annexation:** [HB 1166](#) by Rep. Mike Kelley (R-Jenks) 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. The bill requires a municipal service extension plan be included in the notices published and mailed to all property owners within the proposed territory to be annexed. If the municipality fails to detach pursuant to Section 22-110 of Title 11, then the majority of the annexed territory's qualified voters can file a petition with the municipality to deannex the

territory. The petition must include a legal description of the area to be deannexed, contain a plat or similar depiction of the area and detail the reason. The petition must be filed with the municipal clerk. If the municipality fails or refuses to deannex the area within ninety (90) days of receipt of the petition, any of the petitioners may bring a cause of action in district court to request deannexation. The district court shall enter an order deannexing the property if the court finds a valid petition was filed with the municipality and the municipality failed to perform its obligations in accordance with the service plan.

The bill has moved to conference. The House has assigned the bill to the Government Oversight Committee. The Senate conferees are as follows: Brooks, Daniels, Frix, Howard, Paxton and Stewart.

**Sales Tax Exemption/Farming:** [HB 1378](#) by Rep. Eddy Dempsey (R-Valliant) and Sen. Casey Murdock (R-Felt) adds "farming" and "farm" to include the production of timber, seedling production, and forestry management.

The bill has moved to conference. The House has assigned it to GCCA. The Senate has also assigned it to GCCA.

**Court Fees:** [HB 1460](#) by Rep. Tammy West (R-Bethany) and Sen. Todd Gollihare (R-Kellyville) removes the ability to assess and collect various fees on defendants. One of those fees is for the reimbursement to OSBI and any authorized law enforcement agency for cleaning up an illegal drug laboratory site and the ability to retain five percent (5%) of such monies in the Court Clerks Revolving Fund. The bill gives the courts flexibility to waive supervision fees. The bill removes the funding for the Impaired Driver Database. The bill requires the assessment for batterers conducted through a certified treatment program.

The bill passed the House on Thursday by a [vote](#) of 84 to 3. It now moves to the Senate.

**Business Courts/OK & Tulsa Counties:** [HB 1562](#) by Rep. Collin Duel (R-Guthrie) and Sen. Brent Howard (R-Altus) creates a business court division within the district court of any judicial district

containing a municipality with a population in excess of five hundred thousand (500,000). Each business court division created shall hereinafter be categorized and named numerically. Business Court Division I shall be located in OK County and Business Court Division II shall be located in Tulsa County. The bill establishes the Joint Committee on Judicial Vacancy Appointments that will be responsible for providing a list of five nominees to the Governor for consideration for a business court judge appointment. The committee will be made up of ten (10) members appointed by the Speaker and President Pro Tempore of the Senate; eight (8) of the members will be from the majority party and two (2) will be from the minority party. The business court judges have eight (8) year terms. The bill also outlines the qualifications to serve as a business court judge. Qualifications include being at least thirty-five (35) years of age, being a United States citizen and having at least ten (10) or more years of civil litigation experience. Lastly, the measure outlines the authority, jurisdiction and filing fees for the business courts. Cases under the purview of a business court must have a minimum claim amount of Five Hundred Thousand Dollars (\$500,000.00) and must be resolved within twelve (12) months unless an extension is requested by the disputing parties. The Supreme Court is authorized to provide for electronic filing. The Administrative Office of the Courts shall promulgate rules for the filing of documents transmitted by electronic device.

The bill has moved to conference. The House has assigned the bill to the Judiciary & Public Safety Oversight Committee. The Senate conferees are as follows: Boren, Daniels, Gollihare, Howard, Jech, Paxton and Rosino.

**Nuclear Energy Study/Corporation Commission:** [SB 130](#) by Sen. George Burns (R-Pollard) and Rep. Brad Boles (R-Marlow) directs the Corporation Commission, no later than ninety (90) days after the effective date of this act, to start the process to engage an outside consulting firm to conduct a technical and legal feasibility study on nuclear energy generation in this state. The bill sets what the feasibility study should evaluate and consider. The Corporation Commission in conjunction with retail electric suppliers and municipally owned electric utilities shall cooperate in providing information

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relevant to the feasibility study, providing safeguards to protect confidential information. The study shall be delivered electronically to the Pro Tempore, Speaker and Governor nine (9) months after the effective date of this act.

The bill passed the Senate on Thursday by a [vote](#) of 36 to 8. It now moves to the House.

**Municipal Zoning/Planning Commission:** [SB 647](#) by Sen. Avery Frix (R-Muskogee) and Rep. Preston Stinson (R-Edmond) provides that while comprehensive plans are allowed to be used as a guide in the decision-making process, determinations shall be made in light of objective and relevant facts as well as utilizing processes and requirement outlined in the municipal code. The notice and hearing provisions may be applicable, are intended to provide members of the public with a right to be heard, explain how they think their interests are affected, and bring to the attention of the governing body objective and relevant facts. Information presented from the public that is neither objective or relevant shall not be determinative in land use application proceedings. The bill establishes that municipal zoning decisions are deemed valid unless the challenging party proves the ordinance lacks a substantial relation to public health, safety or general welfare of the public in light of objective and relevant facts, or if a zoning decision constitutes an arbitrary exercise of police power. The bill establishes that municipal platting decisions are quasi-judicial in nature and gives the planning commission and the governing body of a municipality the discretion to determine a plats compliance with regulations, codes, and ordinances. In the case of a preliminary or final plat denial, the city is required to identify the basis for denial. Governing bodies are prohibited from basing their decision making on presented information that is neither objective nor relevant.

The Senate rejected House amendments on Monday, May 12<sup>th</sup> and sent the bill to conference. The Senate has named the following Senators: Frix, Hamilton, Burns, Alvord, Weaver, Stanley and Nice. The House named a Special Conference Committee on SB 647 which includes the following Representatives: Caldwell, (C), Duel, Harris, Kannady and Schreiber.

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