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Welcome to The OML Advocate



GOVERNOR STITT'S INAUGURAL STATE OF THE STATE

Governor Kevin Stitt delivered his inaugural State of the State address on Monday, February 4. Along with his administration's proposed budget, the governor also highlighted his goals for this legislative session. Those goals include criminal justice reform, education funding, investing in critical economic development tools, and increasing accountability of state agencies.

Among his budgetary goals, Governor Stitt predicts there will be approximately \$874 million in the Rainy-Day Fund by the end of FY2019. He also shared he is setting a goal for Oklahoma to have \$1 billion in its savings by the end of FY2020.

MANY BILLS WITH MUNICIPAL IMPACTS

The legislature filed nearly 2,800 bills for this session with nearly 1,000 having municipal impacts, both positive and preemptive. We will strongly support [HB 1992](#) (Rep. Nollan, R-Sand Springs) creating Public Safety Districts; [SB 400](#) (Sen. Paxton, R-Tuttle) allowing for GPT for municipal road maintenance and repairs; [SB 824](#) (Sen. David, R-Porter) requiring an economic impact study for highway bypasses; and [SB 881](#) (Sen. Paxton, R-Tuttle) improving the Certificates of Convenience and Necessity notification process by the Oklahoma Corporation Commission.

MEDICAL MARIJUANA

The bipartisan, bicameral legislative medical marijuana working group will reconvene on Wednesday, February 13 at 9:00 a.m. to discuss a 93-page committee substitute for a bill referred to by the medical marijuana industry as the "[Unity Bill](#)."

After receiving input from a medical marijuana working group of municipal officials, Senator Lonnie Paxton filed [SB 1030](#) to address the municipal concerns resulting from the passage of State Question 788.

Bills On The Move

A Snapshot of Bills Impacting Cities and Towns

BILLS ON THE MOVE

Here is a snapshot of bills impacting cities and towns.

Firearms/Felons: [HB 1001](#) by Rep. Jim Olson (R-Roland) changes prohibiting firearm possession by felons by eliminating the current limitation on riding as a passenger in a vehicle and revising the types of firearms that are prohibited. See companion bill SB 46.

The bill passed in the House Public Safety committee by a unanimous vote.

Law Enforcement/School Bus Fines: [HB 1926](#) by Rep. Dell Kerbs (R-Shawnee) amends current law regarding the diversion of fines for a driver overtaking a school bus that is stopped to take on or discharge school children. It also authorizes school districts to install and operate a video-monitoring system for recording violations for drivers overtaking a school bus. A special fund is created for the State Board of Education. Companion bill is HB 1961.

The bill passed in the House Public Safety committee by a vote of 10-1.

Law Enforcement/School Bus: [HB 1961](#) by Rep. Lundy Kiger (R-Poteau) amends current law regarding the diversion of fines for a driver overtaking a school bus that is stopped to take on or discharge school children. It also authorizes school districts to install and operate a video-monitoring system for recording violations for drivers overtaking a school bus. The bill contains details. Companion bill is HB 1926.

The bill was referred to the House Public Safety committee for a second reading.

Firearms/Business Rights: [HB 2072](#) by Rep. Jay Steagall (R-Yukon) prohibits a person, employer, or business from establishing a rule that has the effect of prohibiting any person or employee, except a convicted felon, from carrying or storing firearms or ammunition in a motor vehicle personally owned, leased or rented by the person or employee while conducting business for the business entity. The bill allows a person to bring a civil action to enforce these provisions.

The bill's committee substitute passed in the House Public Safety committee by a unanimous vote.

Veterans Registry: [SB 358](#) by Sen. Frank Simpson (R-Ardmore) creates the Oklahoma Veterans Registry to verify a veteran's percentage of service-connected

disability including the 100% disability for veterans under current laws sales tax exemption. The bill contains details.

The bill's committee substitute passed in the Senate Veterans & Military Affairs committee by a unanimous vote and is now waiting to be heard on the Senate floor.

Sales Tax Exemption/Veterans: [SB 682](#) by Sen. John Montgomery (R-Lawton) expands the existing sales tax exemption for disabled veterans to the surviving spouse of a person killed in action while serving in the Armed Forces or Oklahoma National Guard, if not remarried.

The bill was laid over in the Senate Veterans & Military Affairs committee on Thursday.

Alcoholic Beverages/Commercial Vessels: [SB 115](#) by Sen. Micheal Bergstrom (R-Adair) adds commercial vessels to the airline/railroad beverage license authorized by 37A O.S. Section 2-118.

The bill passed the Senate Business, Commerce & Tourism committee by a unanimous vote. It is now waiting to be heard on the Senate floor.

CIB/Electrical License Act: [SB 175](#) by Sen. Julie Daniels (R-Bartlesville) amends the Electrical License Act by exempting Class 2 and Class 3 circuits as provided in the Alarm, Locksmith and Fire Sprinkler Industry Act from the Electrical License Act.

The bill was laid over in the Senate Business, Commerce & Tourism committee on Thursday.

Qigong Practice Act/State Regulations: [SB 190](#) by Sen. Dave Rader (R-Tulsa) creates the Oklahoma Qigong Practice Act. Qigong means the practice of traditional Chinese medicine and classic Chinese medicine. The bill contains extensive details.

The bill was laid over in the Senate Business, Commerce & Tourism committee on Thursday.

Fire Marshal/Fire Extinguisher License: [SB 411](#) by Sen. Lonnie Paxton (R-Tuttle) amends the Fire Extinguisher Licensing Act by removing powers and duties from the act's Committee and giving them to the State Fire Marshal. The bill contains a repealer.

The bill passed in the Senate Business, Commerce & Tourism committee by a unanimous vote. It is now waiting to be heard on the Senate floor.

CIB/Electrical Licensing Act: [SB 653](#) by Sen. Darcy Jech (R-Kingfisher) amends the Electrical Licensing Act creating new law. For purposes of qualifying for an application, examination and licensure as an electrical contractor, in-plant electrical construction work may be credit toward electrical contractor qualifications. The Construction Industries Board has new duties. The bill contains details.

The bill was laid over in the Senate Business, Commerce & Tourism committee on Thursday.

Bidding/Retainage: [HB 1114](#) by Rep. Kevin West (R-Moore) amends the Public Competitive Bidding Act by amending 61 O.S. Section 113.1. If a public construction contract is subject to a bond, no retainage shall be withheld from the entity posting the bond. In addition, 61 O.S. Section 226 in the Fair Pay for Construction Act is amended. A subcontract shall include a provision for either the retainage or providing payment for performance and maintenance bonds. The holder of the retainage shall be responsible for payment on all interest accrued. If a subcontract is subject to a bond, no retainage shall be withheld from the entity posting the bond.

The bill passed the House Government Efficiency committee by a unanimous vote. It is now waiting to be heard on the House floor.

Water/Funding: [SB 539](#) by Sen. Darcy Jech (R-Kingfisher) amends apportionment of gross production tax for the Community Water Infrastructure Development Revolving Fund, the OWRB Rural Economic Action Plan Water Projects Fund, Conservation Commission Infrastructure Revolving Fund and the Tourism and Recreation Department Capital Expenditure Fund. The apportionment currently expires on June 30, 2019. It is extended to June 30, 2022. This bill also amends the distribution of the gross production tax by changing the date to July 17, 2018 for the levy on natural gas and for the levy on oil. A companion bill is SB 557. Please note the extended date is different.

The bill passed the Senate Appropriations on Natural Resources & Regulatory Services subcommittee and has since been referred to the full Senate Appropriations committee.

Environment/Water: [SB 568](#) by Sen. Greg McCortney (R-Ada) creates an OWRB Phase II Arbuckle-Simpson Hydrology Study Revolving Fund. The fund consists of monies from appropriations, apportionments, donations, federal grants and fee revenue to enhance monitoring, development of hydrologic framework and modeling of the eastern Arbuckle-Simpson Groundwater Basin. OWRB may coordinate with East Central University for implementing Phase II.

The bill was laid over in the Senate Appropriations on Natural Resources & Regulatory Services subcommittee on Wednesday.

APA/Rule-Making: [SB 263](#) by Sen. Nathan Dahm (R-Broken Arrow) amends various sections of the Administrative Procedures Act impacting state agency rule-making process. Included are changes to website publication, rule impact statements, legislative rule review committees, legislative review to disapprove, approve or amend any rule in whole or in part including further instructions to the agency, procedure to protest any promulgated rule and omnibus joint resolution process and amendment. The bill contains details.

The bill was referred to the Senate Judiciary committee for a second reading.

NEXT WEEK AT THE CAPITOL

Monday, February 11, 2019

**Senate Public Safety Committee
Room 419C, AAI**

Law Enforcement/Uniformed Controlled Dangerous Substances: [SB 421](#) by Sen. Stephanie Bice (R-OKC) amends the Uniform Controlled Dangerous Substances Act in a variety of ways. Included is synthetic substances, transportation of substances with an exception for marijuana, providing quantities for certain substances and penalty changes with exceptions/inclusions for marijuana of various quantities. The bill provides details.

Law Enforcement/Mental Health Transport: [SB 609](#) by Sen. David Bullard (R-Durant) amends municipal law enforcement's responsibility for transporting any individual found or initially contacted within such municipality's jurisdiction. Initially contacted shall include contact made by a law enforcement officer, firefighter, EMT or health care provider, either in person or by electronic or telephone communication. Reimbursement for transportation is also changed. For transportation by a sheriff or peace officer on behalf of any county or municipality, within a 20-mile radius from the transporting sheriff's office, shall be reimbursed in accordance with the State Travel Reimbursement Act. Any transportation provided outside the 20-mile radius from the transporting sheriff's office shall be reimbursed at a rate negotiated with the Department of Mental Health and Substance Abuse Services prior to transporting to or from any facility. Current law does not contain the 20-mile radius limitation.

Firearms/License: [SB 669](#) by Sen. Darrell Weaver (R-Moore) amends various sections of law regarding handgun licenses for active military, member of Reserve or National Guard or who has formally served. If qualified, they shall not be charged a renewal fee. The bill contains details.

Tuesday, February 12, 2019

**House Energy & Natural Resources Committee
Room 432A, 1:30 p.m.**

Public Trust/Prohibition: [HB 1916](#) by Rep. Ken Luttrell (R-Ponca City) is new law prohibiting a for-profit business entity from transferring any item of tangible personal property to any public trust which, at the time of transfer, has a fair cash value or an acquisition cost in excess of \$1 million. The bill contains details.

**House Judiciary Committee
Room 206, 3:00 p.m.**

Law Enforcement/Jury Duty: [HB 1969](#) by Rep. Ross Ford (R-Broken Arrow) amends 38 O.S. Section 28 by adding to those excused from jury service. This includes municipal or state law enforcement officers employed in any county with a population of 255,000 or more and federal law enforcement officers. Municipal or state law enforcement officers in a county with a population of less than 255,000 shall be eligible to serve on noncriminal actions only.

Workers' Compensation/Mental Injury: [HB 2271](#) by Rep. Josh West (R-Grove) amends 85A O.S. Section 13 regarding whether mental injury or illness is a compensable workers' compensation injury. The bill provides that the requirement in current law of a physical injury shall not apply to police officers, firefighters, EMTs or any employee of an emergency service who is likely to be among the first people to arrive at and assist at the scene of an emergency and suffers a mental injury or illness related to duties performed responding to the emergency.

**Senate Finance Committee
Room 535, AAI**

Taxation/Remote Sellers: [SB 513](#) by Sen. Stephanie Bice (R-OKC) amends sales and use tax remittance by remote sellers. Among the changes in current law is deletion of remote sellers leaving a marketplace facilitator or a referrer for those in 68 O.S. Section 1392(A)-(F) defined as sales worth at least \$10,000. In new Section G, a remote seller is redefined as aggregate sales or delivery to

locations within the state worth at least \$100,000 during the preceding or current calendar year shall collect and remit. Remote seller is also generally removed from Sections 1393-1396. When mentioned, reference is made to the new Section 1392(G). The bill provides details.

Economic Development/Oklahoma Community Pooled Finance: [SB 749](#) by Sen. Dave Rader (R-Tulsa) amends the Oklahoma Community Economic Development Pooled Finance Act in a variety of ways. Included are new definitions for Federal government defense entities and Public-Private Partner Development Pool. Federal government defense entities are Fort Sill, Tinker Air Force Base, Altus Air Force Base, Vance Air Force Base and McAlester Army Ammunition Plant. New law in the bill authorizes the Oklahoma Development Finance Authority to act as a conduit issuer for the benefit of at least one eligible local government entity, to issue obligations and provide financing under specific criteria. The Oklahoma Department of Commerce is authorized for rule-making for the funding of authorized infrastructure projects and to establish a scoring system to evaluate projects. The bill contains a number of new definitions as well as extensive details.

Wednesday, February 13, 2019

**House Transportation Committee
Room 512A, 9:00 a.m.**

Law Enforcement/Electric-Assisted Bicycle: [HB 1265](#) by Rep. Carol Bush (R-Tulsa) amends several sections of Title 47 and creates new law regarding electric-assisted bicycles. The bill contains details including definitions, different classes of bicycles, underage driving of these bicycles, provisions for operators' rights and privileges including exemption from financial responsibility, insurance and the like. 47 O.S. Section 11-805.2 is repealed.

Advocating For Your Community

This year, several bills have been filed that will have a negative impact on our members, which means we need YOU more than ever. Here are a few tips to help you help us.

Stay vigilant, stay informed. Let OML be your clearing house for legislative information and news. OML sends out many GRIP Alerts to our members to let you know when a pressing issue needs your attention. Pay attention to these emails, as we send them for your benefit. You can also read any version of any bill on the Legislature's website at oklegislature.gov.

Be active. If you can't be at the Capitol, call, text, and email your legislators. They want to hear from you!

Act swiftly. Often times, bills heard in committee or on the floor can come and go very quickly. This means that you have a small window to communicate with your legislators. Same day action is paramount.

Send us your comments. Is a particular issue or bill important to your community? Tell us about it. We also frequently send out bills and ask for comments from you for guidance. These comments remain completely in-house, so don't be afraid to speak up. Your words are safe with us!

Build a coalition. Never has the phrase "strength in numbers" been more relevant. Discuss these issues with community leaders and surrounding municipalities. Collaboration is invaluable in the legislative process.

Build a relationship with your legislators. Legislators appreciate hearing from their constituents back home. They're also usually happy to give their phone numbers and email addresses out to remain in contact with you.

Say THANK YOU! This one is a no brainer. Never underestimate the power of saying thank you.

Future Issues

Look for the Legislative Advocate to highlight bills that exemplify the ways in which municipalities are squeezed dry. We will also highlight some positive developments from the Capitol including bills that we are lobbying on behalf of individual members.

Cities and towns either win or lose together at the State Capitol since it takes a majority of legislators from all over the state—whether urban or rural, democrat or republican—to carry the day. The number-one ingredient for success at the legislature and state agencies is a united collective municipal voice.