

03-19

February 22, 2019

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PUBLIC SAFETY DISTRICT BILL PASSES HOUSE COMMITTEE

[HB 1992](#) by Rep. Nollan (R - Sand Springs) received a do pass recommendation in the House County and Municipal Government Committee on Wednesday, February 20 with a vote of 10-2. This bill allows governing boards the means to determine if the citizens of the municipality want to create and fund public safety protection districts. The bill will move to the House floor for a vote within the next three weeks. Please watch your email for an Action Alert to call your House member and ask them to vote **YES** on **HB 1992**.

A special **thank you** to the following House County and Municipal Government Committee members who voted **YES** on HB 1992: Rep. Brad Boles (R - Marlow), Rep. David Hardin (R - Stilwell), Rep. Toni Hasenbeck (R - Elgin), Rep. Lundy Kiger (R - Poteau), Rep Ben Loring (D - Miami), Rep. Daniel Pae (R - Lawton), Rep. David Perryman (D - Chickasha), Rep. Logan Phillips (R - Mounds), Rep. Lonnie Sims (R - Jenks), Rep. Shane Stone (D - Oklahoma City).

ANOTHER OML PRIORITY BILL VICTORY

[SB 881](#) by Sen. Paxton (R - Tuttle) was unanimously approved by the full Senate on Wednesday, February 20. SB 881 improves the Certificates of Convenience and Necessity notification process by the Oklahoma Corporation Commission to municipalities regarding broadband internet deployment. Rep. Brad Boles (R - Marlow) has signed on to be the House author for SB 881. Both Paxton and Boles are former Oklahoma mayors.

MUNICIPAL CONCERNS WITH MEDICAL MARIJUANA TO BE ADDRESSED MONDAY

[SB 1030](#) by Sen. Paxton (R - Tuttle) will be heard on Monday, February 25 in the Senate Health and Human Services Committee. This bill addresses the municipal concerns resulting from the passage of State Question 788. Please contact your member of the [Senate Health and Human Services Committee](#) and ask them to vote **YES** on **SB 1030**.

Send copies of any correspondence you have with your legislators to jlewis@oml.org or fax to 405-528-7560, attn: Jodi for our records.

Bills On The Move

A Snapshot of Bills Impacting Cities and Towns

Funding/Aggregate Materials: [HB 1404](#) by Rep. Justin Humphrey (R-Lane) is new law authorizing a tax levy of 7% to provide revenue to counties and municipalities to compensate for costs of damage to roads and bridges due to heavy vehicles engaged in the transportation of aggregate materials extracted in the area. The bill contains details.

The bill has been referred to the House A&B Committee.

Sales Tax Exemption/Forestry Equipment: [HB 2303](#) by Rep. Tadlock (R-Idabel) creates a new sales tax exemption for commercial forestry service equipment. The bill contains details.

The bill has been referred to the House A&B Committee.

Taxation/Remote Sellers: [HB 2352](#) by Rep. Chad Caldwell (R-Enid) removes remote sellers from various sections of Title 68 regarding the collection of remote sellers and marketplace facilitators. Among the changes is new law for remote sellers with aggregate sales within this state or delivered to locations within this state worth at least \$100,000. The bill contains details.

The bill has been referred to the House A&B Committee.

Credit Cards/Surcharges: [HB 1425](#) by Rep. Ben Loring (D-Miami) amends 14A O.S. Section 2-417 regarding regulation of a surcharge on the use of a credit card or debit card. The bill authorizes municipalities and a public trust with a municipality as a beneficiary to also add, on an online transaction, the cost of providing for secure transaction, portal fees, and fees necessary to compensate for increased bandwidth. These may also be added to the service fee. Also amended is 28 O.S. Section 151 regarding clerks of the district court and other trial courts of record to charge and collect a service fee for the acceptance of the nationally recognized credit or debit card. The bill contains details.

The bill has been referred to the House A&B Committee.

Marijuana/Discrimination: [SB 1030](#) by Sen. Lonnie Paxton (R-Tuttle) amends medical marijuana in a variety of ways. This includes Department of Health retaining information, municipalities restricting smoking or vaping marijuana in a public place, creating an exception to existing employer/employee interaction by providing a public safety exception and adding definitions. Sales tax

is 7% and nothing in the Act shall prohibit local governments from adding additional local sales taxes. Licensure revocation hearings shall be recorded, and the Department of Health must assist law enforcement, various applicants must submit a certificate of compliance from the political subdivision and political subdivisions may adopt health and safety regulations.

The bill has been referred to the Senate Health & Human Services Committee.

Law Enforcement/Sexual Assault Kits: [SB 967](#) by Sen. Kay Floyd (D-OKC) is new law authorizing the OSBI to implement a statewide electronic tracking system for evidence collection kits used to collect and preserve evidence of a sexual assault or other sex offense. Any law enforcement agency, medical provider or forensic laboratory that has a previously untested collection kit used for a forensic medical examination shall comply with established protocols relating to all untested kits. Consistent with protecting victim confidentiality for unreported sexual assaults, a law enforcement agency having custody of a kit shall take reasonable measures to provide appropriate tracking information to the affected victim. The OSBI, no later than January 1, 2020, shall require participation in the tracking system by all medical providers, law enforcement agencies, forensic laboratories or others that have custody of a kit.

The bill passed the Senate Appropriations Committee with the title stricken by a unanimous vote. It is now waiting to be heard on the Senate floor.

Initiative and Referendums/Signatures: [HB 2119](#) by Rep. Charles Ortega (R-Altus) amends 11 O.S. Section 15-103 by altering the number of required petition signatures for initiative and referendum. The election is the most recent preceding general municipal election or biennial town meeting. The total number of votes cast is the sum of the votes cast for all candidates in the race for the highest-ranking at-large municipal office appearing on the ballot. If such office does not appear on the ballot, then the total number of votes cast shall be the sum of votes cast for or against the municipal question or proposition receiving the largest total number of votes on a ballot. The bill contains details.

The bill advanced off the House floor by a unanimous vote. It is now waiting to be heard on the Senate floor.

Sales Tax/Rolling Stock Exemptions: [SB 18](#) by Sen. Roger Thompson (R-Okemah) amends the current sales tax exemption for rolling stock by extending the exemption from before July 1, 2019 to "before July 1, 2024," and including sales "or leases" of rolling stock. Sales or leases includes "railroad car maintenance and retrofitting."

The bill passed the Senate Finance Committee with the title stricken by a unanimous vote. It is now waiting to be heard on the Senate floor.

Marijuana/Taxation: [SB 307](#) by Sen. Julie Daniels (R-Bartlesville) alters the state question regarding taxation. It provides that in addition to the 7% excise tax on gross sales, such sales are also subject to state sales tax and any applicable county and local sales tax. Tax proceeds shall be deposited in the Oklahoma Medical Marijuana Tax Revenue Fund to be appropriated by the Legislature for the Department of Health, substance abuse prevention and treatment programs and common education.

The bill passed the Senate Finance Committee with the title stricken by a vote of 7-2. It has since been referred to the Senate Appropriations Committee.

Sales Tax/Vendor Compensation: [SB 323](#) by Sen. Julie Daniels (R-Bartlesville) authorizes compensation to the seller or vendor for remitting sales tax of one (1) percent of the tax due, provided the deduction shall not be allowed with a direct payment permit or if filing of a report or payment of tax is delinquent unless it is due to a natural disaster for which a Presidential Major Disaster Declaration was issued. There is a limitation of 2,500 per month per sales tax permit. The excess as calculated by the one (1) percent over the \$2,500 shall be deposited as an administrative expense in the State General Fund. The Tax Commission is authorized for rule-making via deductions and limitations of the Streamlined Sales and Use Tax Agreement regarding remote sellers/vendors. The bill contains details including definitions. A Companion bill for [SB 309](#).

The bill has been laid over in the Senate Finance Committee.

Enterprise Zone/Tax Credit: [SB 473](#) by Sen. Dave Rader (R-Tulsa) amends 62 O.S. Section 842 impacting income tax credits and changing the qualifying dates for an incentive or increment district. The dates for a qualifying incentive district or increment districts creation is altered from current laws prior to December 31, 2018 to prior to December 31, 2028. Current law requires the investments or improvements to begin no later than December 31, 2019. This date is changed to not later than December 31,

2029. Companion bills are [SB 406](#) and [SB 486](#). Please note, the two dates are different in each bill.

The bill has been laid over in the Senate Finance Committee.

Taxation/OTC: [SB 511](#) by Sen. Stephanie Bice (R-OKC) alters a couple of statutes impacting the alcohol beverage excise tax in 37A O.S. Section 5-101. This includes changes to who pays the tax and removes the exclusion for beer and alters the deadline for monthly reports to the Oklahoma Tax Commission (OTC). Several statutes in Title 68 are amended including notice to OTC of a settlement or court action affecting the ownership or right of possession of intangible personal property to determine the Commissions lien. Regarding taxes collected via a debt collection agency remitting to OTC is changed from 5 days in current law to a reasonable period of time. Remission by electric funds transfer and electronic data interchange program is also altered for persons owing \$2,500 or more per month in total sales tax in the immediately preceding twelve-month period.

The bill has been laid over in the Senate Finance Committee.

Law Enforcement/DNA Collection: [HB 1014](#) by Rep. Carol Bush (R-Tulsa) amends 22 O.S. Section 210 requiring DNA collection and testing for persons over 18 arrested for a felony. Samples must be collected by trained medical personnel, law enforcement or employees or medical contractors of these organization as qualified via this statute. Provision is made for DNA identification matching purposes, destruction of DNA samples under various conditions and regulating the use of Rapid DNA technology by a jail, detention facility or other designated facility including confidentiality requirements and a penalty provision. A current exception from the requirement for DNA collection for convicted or arrested persons who have previously submitted a sample is removed. The bill contains details.

The committee substitute passed the House Judiciary Committee by a unanimous vote. It is now waiting to be heard on the House floor.

Employment/FPAA: [HB 1968](#) by Rep. Ross Ford (R-Broken Arrow) amends the Fire and Police Arbitration Act (FPAA) by adding unfair labor practice authority to a binding arbitration board via 11 O.S. Sections 51-107 and 51-108. In addition, unionization elections are authorized by the Oklahoma Department of Labor. The bill contains details.

The bill has been laid over in the House Judiciary Committee.

Workers' Compensation: [HB 2367](#) by Rep. Chris Kannady (R-OKC) contains over 170 pages altering a number of sections of the Workers' Compensation Act. There are several statutes that are repealed. The bill contains details.

The bill was laid over in the House Judiciary Committee.

Municipal Court/Fines: [SB 618](#) by Sen. Darcy Jech (R-Kingfisher) amends various sections of Title 22. Impacted is Section 983 regarding those who are found guilty of nonpayment of fines, cost, fees, assessments. The bill adds, if after notice and hearing it is found the defendant is financially able but willfully refuses or neglects to pay the district court or municipal court may send notice to DPS with a recommendation to suspend driving privileges. Other statutes are changed including waiving outstanding fines, costs and fees, probation, payment plan to pay a fine, court cost, fee or assessment and suspended sentence. The bill contains details.

The bill passed the Senate Judiciary Committee with the title stricken by a unanimous vote. It has since been referred to the Senate Appropriations Committee.

Workers' Compensation: [SB 701](#) by Sen. Julie Daniels (R-Bartlesville) amends dozens of sections of the Administrative Workers' Compensation Act. Included are changes to compensable injury, employee, employer, modification to injury in another jurisdiction, provision for forms submitted via Electronic Data Interchange System, communications reflecting the pre-decisional deliberations of Commissioners are confidential and considered protected deliberative communications, changes to powers of the Commission, the Multiple Injury Trust Fund, assessment and collection of fines, temporary partial disability compensation, required reports by employers following employee injury or death shall be kept confidential with exceptions, certain notices/judgments may be delivered via facsimile or electronic means and procedures to reopen a claim. In addition, there is a procedure for a written undertaking to the claimant prior to a Supreme Court proceeding to reverse, vacate or modify any order, decision or award where compensation has been awarded to an injured employee. The Workers' Compensation Arbitration Act is also amended in several ways and alterations are made to the Court of Existing Claims. Finally, a number of statutes are repealed.

The bill passed the Senate Judiciary Committee by a vote of 11-1. It is now waiting to be heard on the Senate floor.

Law Enforcement/Eyewitness Procedures: [SB 798](#) by Sen. Julie Daniels (R-Bartlesville) is new law requiring all law enforcement agencies that conduct eyewitness identification procedures to adopt a detailed, written policy that includes a number of requirements including photo arrays and live lineups, eyewitness notification, selection of fillers, requirements after an identification is made, protocols for use of show-ups and for documenting eyewitness identification procedures. The bill contains details.

The bill passed the Senate Judiciary Committee by a unanimous vote. It is now waiting to be heard on the Senate floor.

Pensions/Volunteer Firefighters: [HB 2051](#) by Rep. Mike Sanders (R-Kingfisher) amends the Firefighter Pension System by providing that a person receiving an accrued retirement benefit may perform volunteer firefighting services for a volunteer department and continue to receive the member's accrued retirement benefit. The pension shall cease during any period of time the member may thereafter serve for compensation in any municipal fire department. No person shall perform any services as a firefighter if such person is receiving disability benefits.

The bill passed the House Banking, Financial Services on Pensions Committee by a unanimous vote. It is now waiting to be heard on the House floor.

CLEET/Disability Training: [HB 2618](#) by Rep. Jon Echols (R-OKC) amends 47 O.S. Section 1112 regarding assisting law enforcement with information that an individual operating a vehicle has a disability that may make communication difficult and for which additional assistance may be needed. The information shall be available to law enforcement via the Tax Commission's vehicle registration system. Law enforcement shall be certified on the provision of additional assistance to persons with disabilities. CLEET shall include a minimum of 6 hours of training related to communication with disabled persons, including autistic or hearing-impaired persons. The bill contains details. Companion bill is [HB 2608](#).

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

Excavation/Certificate of Convenience: [SB 881](#) by Sen. Paxton (R-Tuttle) amends 17 O.S. Sections 131 and 132 impacting Corporation Commission issuance of a Certificate of Convenience and Necessity for each provider of telecommunications service. Actual notice by mail or personal service must be made to all political

subdivisions with jurisdictional boundaries that include all or portions of the service area outlined in the application for Certificate of Convenience and Necessity.

The bill advanced off the Senate floor by a unanimous vote. It is now waiting to be heard on the House floor.

Sales Tax Exemptions/Medicare Reimbursement: [HB 1262](#) by Rep. Kyle Hilbert (D-Depew) expands the current sales tax exemption in 68 O.S. Section 1357.6 for drugs, eyeglasses, hearing aids, prosthetic devices and the like. Added is sales of medical equipment including prosthetic devices, durable medical equipment and mobility-enhancing equipment as defined in Section 1357.6. The bill contains details.

The bill and its emergency measure advanced off the House floor by a unanimous vote. It is now waiting to be heard on the Senate floor.

Transportation/Funding: [HB 1289](#) by Rep. Mark Lepak (R-Claremore) amends 11 O.S. Section 36-113 by expanding transportation funding in municipalities. It removes current law's limitation for eligibility from greater than 5,000 population but less than 15,000 population and substitutes a population of greater than 5,000 persons. Current law is unchanged for municipalities in counties in excess of 150,000. Companion bill is [SB 400](#).

The bill has been laid over in the House County & Municipal Government Committee.

Public Safety Protection Districts/OML Bill: [HB 1992](#) by Rep. Jadine Nollan (R-Sand Springs) is new law creating the Oklahoma Public Safety Protection District Act via a vote of the people with management and budget oversight vested within the existing administration of the municipal government. The District is funded with an annual assessment no greater than 5 mills on the dollar of assessed value used for the operation and maintenance of the District including numerous related expenses including equipment, salaries and benefits, EMT services, costs for housing prisoners and the like. The bill contains definitions and details.

The bill and committee amendment passed the House County & Municipal Government Committee by a vote of 10-2.

Public Funds/Lobbying: [SB 137](#) by Sen. Joe Newhouse (R-Broken Arrow) prohibits the use of public funds, property or time to influence election results for public office or any matter submitted to the voters, except as allowed in the bill or by law. The same prohibition is

made to engage in executive or legislative lobbying as defined by the Ethics Commission. The following is not prohibited: a public officer/employee can express his/her opinion or position so long as public funds are not used; informational materials may be provided as authorized by law and public funds; property or time may be used in executive or legislative lobbying by a public officer/employee whose duties include such lobbying, regardless of the state officer or state employee's title and regardless of whether such lobbying is included in the state officer/state employee's job description; provision of information requested by a member of the Legislature or an elective state officer.

The bill has been laid over in the Senate Rules Committee.

Firearms/Unlawful Carry: [HB 2597](#) by Rep. Jon Echols (R-OKC) makes a number of changes to various sections impacting firearms. Impacted is unlawful carry, exchanging firearm for current law's handgun in several statutes including on property designated by a municipality as a park, recreational area, wildlife refuge, wildlife management area and fairgrounds. Among other changes are regarding convicted felons, when firearms may be carried, firearms in vehicles, illegal aliens, transporting a loaded firearm, preemption is expanded to carrying or possession of a firearm and notification to law enforcement that the person is in actual possession of a firearm.

After advancing off the House floor, the bill was referred to the Senate Appropriations Committee. It passed Committee by a vote of 17-4 and is now waiting to be heard on the Senate floor.

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.

The committee substitute passed the Senate Appropriations Committee by a unanimous vote. It is now waiting to be heard on the Senate 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 Committee with the title stricken by a vote of 19-1. It is now waiting to be heard on the Senate floor.

Rights-Of-Way/Bypassing Municipalities: [SB 824](#) by Sen. Kim David (R-Porter) amends 69 O.S. Section 1205 for all new construction of state highways that have a primary purpose of bypassing municipalities. The Department of Transportation shall conduct an economic impact study on the affected municipalities. The impact shall be delivered to the governing bodies of the municipalities. Only upon a written official letter of support formally approved by the municipal governing body from the majority of the affected municipalities, shall the construction project be added to the Department's 8-year Construction Work Plan.

The bill passed the Senate Appropriations Committee with the title stricken by a unanimous vote. It is now waiting to be heard on the Senate floor.

Airports/Military Installations: [SB 355](#) by Sen. Roland Pederson (R-Burlington) impacts prohibition on wind energy facilities near airports including operations of any military installation. In current law's prohibition on encroachment or a significant adverse impact on any military installation, the effective date is changed to May 2, 2018. The bill provides details.

The bill passed the Senate Energy Committee with the title stricken by a vote of 10-1. It is now waiting to be heard on the Senate floor.

Underground Facilities/Excavate: [SB 1008](#) by Sen. Mark Allen (R-Spiro) amends the Oklahoma Underground Facilities Damage Prevention Act by adding to the definition of excavate. Current law provides an exception from the meaning of excavate for: the moving of earth by tools manipulated only by human or animal power. The bill adds: except in a private or public easement or right-of-way. This change also applies to an individual excavating on his own property who is not in the excavating business for hire.

The committee substitute passed the Senate Energy Committee by a unanimous vote. It is now waiting to be heard on the Senate floor.

Small Lenders/Preemption: [SB 720](#) By Sen. James Leewright (R-Bristow) is over 35 pages of new law regulating small lenders in myriad ways. Included is the prohibition on local government units, including, cities, towns and counties from authority to regulate small loans. In addition, an administrative process is initiated with the Department of Consumer Credit if revocation or suspension proceedings are instituted against a licensee by any state or governmental authority or the denial of the opportunity to engage in the business of making loans by any state or governmental authority.

The bill advanced off the Senate floor by a vote of 46-1.

Public Safety Protection District: [SB 471](#) by Sen. Tom Dugger (R-Stillwater) creates the Oklahoma Public Safety Protection District Act at the discretion of a municipal governing body via a vote of registered voters of the municipality. The bill covers election requirements, management, funds and budgetary oversight by the municipal government, an annual assessment of 2 mills on the dollar of assessed value of property listed in the bill to be used for costs as described, duties for county officials and definitions. The bill contains details.

The bill has been referred to the Senate Appropriations Committee.

FPAA/Administrative Assistants: [SB 795](#) by Sen. Jason Smalley (R-Stroud) amends the Fire and Police Arbitration Act by authorizing up to 7 administrative assistants in municipalities in the police department and in the fire department with a population of 90,000 and greater. The city manager, or the official with the statutory authority to hire has the authority to determine the number of administrative assistants.

The bill was referred to the Senate General Government Committee.

Marijuana/Discrimination: [SB 305](#) by Sen. Julie Daniels (R-Bartlesville) makes a variety of changes to marijuana discrimination provisions. Included are exceptions for employment discrimination including safety-sensitive job duties, no requirement that an employer permit or accommodate use of medical marijuana on the property or premises of any place of employment or during hours of employment, no medical assistance program, or requirement for the employer or health insurance, workers' compensation benefits and the like to reimburse costs for the medical marijuana or prevent an employer from written policies regarding drug testing and impairment in accordance of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act (Act). Provision is also made for applicants or an employee aggrieved by

a willful violation to have an exclusive remedy as provided in the Act. The bill contains definitions and details.

The bill passed the Senate Business, Commerce & Tourism Committee with the title stricken by unanimous vote. It is now waiting to be heard on the Senate floor.

Employment/Discrimination: [SB 645](#) by Sen. Kay Floyd (D-OKC) prohibits employers from discriminating in the payment of wages, benefits or other compensation, as between the sexes, or pay any person in the employ of the employer salary or wage rates less than the rates paid to employees of the opposite sex for work of like or comparable character. The bill contains exceptions, penalties and details.

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

Employment/Discrimination: [SB 649](#) by Sen. Kay Floyd (D-OKC) is new law prohibiting an employee from discharging in any other manner discriminating against an employee because the employee inquired about, discussed or disclosed the wages of the employee or another employee with someone employed by the company. There is an exception for a human resource employee, supervisor or the like. There is a penalty provision and details.

The bill passed the Senate Business, Commerce & Tourism Committee. It is now waiting to be heard on the Senate floor.

Inspector Act/CIB: [SB 733](#) by Sen. Dave Rader (R-Tulsa) amends the Oklahoma Inspectors Act by deleting from the definition of building and construction inspector current law which requires managerial and superintending control over building codes as the code official for the purpose of enforcing and having the authority to enforce compliance with applicable building codes. In addition, deletions are made from the definition of inactive building and construction inspector by removing who is currently not employed by a political subdivision and the definition of report writer by adding any person or agency recognized by a political subdivision having managerial control. Finally, authorized provider is amended. The Construction Industries Board is added to applications for certification and license. The bill contains details.

The bill has been laid over in the Senate Business, Commerce & Tourism Committee.

Roofing Contractor Act/Subcontractor: [SB 743](#) by Sen. Adam Pugh (R-Edmond) amends the Roofing Contractor Registration Act by adding a definition of labor-only subcontractor. This subcontractor performing the installation of roofing work must be registered and under supervision as provided in the bill. The bill contains details.

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

Code Inspector/Inspectors Act: [SB 907](#) by Sen. Tom Dugger (R-Stillwater) amends the Oklahoma Inspectors Act by altering the definition of provisional license and removing the definition of report writer. In addition, 59 O.S. Sections 1036 and 1038 are amended to change current law on provisional license.

The bill has been laid over in the Senate Business, Commerce & Tourism Committee.

Auxiliary Containers/Political Subdivision Preemption: [SB 1001](#) by Sen. James Leewright (R-Bristow) is new law defining an auxiliary container which is any bag, cup, package, container, bottle or other packaging that is made of cloth, paper, plastic, and the like, that is designed for, but not limited to consuming, transporting or protecting merchandise, food or beverages from, or at, a food service facility or retail facility. No political subdivision shall restrict, tax, prohibit or regulate the use, disposition or sale of auxiliary container. This prohibition does not apply to use of auxiliary containers on property owned by a county or municipality. Nothing in the bill prohibits or limits any county or municipal ordinance or agreement regarding a recycling program or disposal of solid waste.

The committee substitute passed the Senate Business, Commerce & Tourism Committee by a vote of 7-4. It is now waiting to be heard on the Senate floor.

Next Week at The Capitol

Tuesday, February 26, 2019

**Senate Finance Committee
Room 535, AAI**

Sales Tax/Vendor Compensation: [SB 323](#) by Sen. Julie Daniels (R-Bartlesville) authorizes compensation to the seller or vendor for remitting sales tax of one (1) percent of the tax due, provided the deduction shall not be allowed with a direct payment permit or if filing of a report or payment of tax is delinquent unless it is due to a natural disaster for which a Presidential Major Disaster Declaration was issued. There is a limitation of \$2,500 per month per sales tax permit. The excess as calculated by the one (1) percent over the \$2,500 shall be deposited as an administrative expense in the State General Fund. The Tax Commission is authorized for rule-making via deductions and limitations of the Streamlined Sales and Use Tax Agreement regarding remote sellers/vendors. The bill contains details including definitions. A Companion bill for [SB 309](#).

Enterprise Zone/Tax Credit: [SB 473](#) by Sen. Dave Rader (R-Tulsa) amends 62 O.S. Section 842 impacting income tax credits and changing the qualifying dates for an incentive or increment district. The dates for a qualifying incentive district or increment district's creation is altered from current laws prior to December 31, 2018 to prior to December 31, 2028. Current law requires the investments or improvements to begin no later than December 31, 2019. This date is changed to not later than December 31, 2029. Companion bills is [SB 406](#) and [SB 486](#).

Sales Tax Exemption/Proof of Eligibility: [SB 477](#) by Sen. Marty Quinn (R-Claremore) amends 68 O.S. Section 1358.1 regarding proof of eligibility for a sales tax exemption at the time of sale and an agricultural exemption permit shall be renewable annually - current law state every 3 years. For applications filed on or after November 1, 2019, the Tax Commission shall verify that the applicant has reported income from farming. A claim for refund for sales tax paid is provided plus the Tax Commission is authorized to create procedures.

Taxation/OTC: [SB 511](#) by Sen. Stephanie Bice (R-OKC) alters a couple of statutes impacting the alcohol beverage excise tax in 37A O.S. Section 5-101. This includes changes to who pays the tax and removes the exclusion for beer and alters the deadline for monthly reports to the Oklahoma Tax Commission (OTC). Several statutes in Title 68 are amended including notice to OTC of a settlement or court action affecting the ownership or right of possession of intangible personal property to determine the Commission's lien. Regarding taxes collected via a debt collection agency remitting to OTC is changed from 5 days in current law to a reasonable period of time. Remission by electric funds transfer and electronic data interchange program is also altered for persons owing \$2,500 or more per month in total sales tax in the immediately preceding twelve-month period.

Sales Tax Exemption/Veterans: [SB 920](#) by Sen. Adam Pugh (R-Edmond) amends the current sales tax exemption for disabled veterans by providing for a rebate for sales made on or after January 1, 2020. The rebate is paid to eligible persons who provide documentation and shall be equal to \$2,125. The bill contains details with the Tax Commission authorized to establish procedures.

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

Water/Instream Flow: [HB 1403](#) by Rep. Justin Humphrey (R-Lane) is new law authorizing OWRB to create an instream flow program to reduce the amount of water available for permitting by an amount equal to each treasured streams respective instream flow determination. The bill contains details.

Water/Groundwater Irrigation District: [HB 2263](#) by Rep. Kenton Patzkowsky (R-Balko) and Sen. Casey Murdock (R-Felt) amends 82 O.S. Section 1020.1 regarding groundwater by adding a definition for groundwater irrigation district.

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.

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.
