

05-19

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**FLOOR DEADLINE NEXT WEEK**

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

Oklahoma Municipal League  
201 N.E. 23rd Street  
OKC, OK 73105  
Phone: 1-800-324-6651 /  
405-528- 7515  
Fax: 405-528-7560  
Email: [jlewis@oml.org](mailto:jlewis@oml.org)  
Internet: [www.oml.org](http://www.oml.org)

The deadline for bills and joint resolutions to be heard in their chamber of origin is next Thursday, March 14. There are 377 measures on Senate General Order that could be considered, as well as 240 measures on House General Order. Among those include four OML priority bills: [HB 1992](#), [SB 400](#), [SB 824](#), and [SB 1030](#). Please contact your [House and Senate members](#) and ask them to vote **YES** on these important municipal bills.

Additionally, there are several bills on General Order that must be *opposed* next week. Below is a list of bills that will be preemptive or harmful to municipal government in a number of ways:

- [HB 1032](#) - Preempting regulation of residential building design elements
- [HB 1114](#) - Modifying retainage on certain public contracts
- [HB 1956](#) - Requiring municipalities to provide a list of inspectors to the Construction Industries Board; providing penalties for noncompliance
- [HB 2666](#) - Modifying the construction management selection process for political subdivisions
- [SB 729](#) - Preempting municipalities from preventing, restricting, or discouraging any lender authorized and licensed under the supervision of the Department of Consumer Credit
- [SB 762](#) - Authorizing public trusts to provide local bid preference

Please contact your House and Senate members and ask them to vote **NO** on these bills.

**MUNICIPAL COMMUNICATION IS IMPACTING LEGISLATION**

Legislators continue to tell the OML legislative team that they are hearing from you! These House and Senate members want to hear from the *citizens in their districts* on legislation that matters most to them. Our team is grateful to everyone for your communication efforts! Please continue to stay vigilant and watch for **Action Alerts** as we approach the floor deadline next Thursday.

It is important to note: legislators are receiving an excessive number of emails each day from individuals *outside* of their districts with a *specific political agenda*. To ensure your legislator receives **your** communication, a two-step process works best: Step 1. Email (include your municipality so they will know this is a constituent request); Step 2. Call (let them know you just sent an email and reference the bill number).

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

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## Bills On The Move

### *A Snapshot of Bills Impacting Cities and Towns*

**Water/Eminent Domain:** [HB 1048](#) by Rep. Danny Sterling (R-Tecumseh) provides that groundwater rights shall not be taken by eminent domain. An exception is if the owner expressly consents to the groundwater right being included in an eminent domain proceeding.

The bill advanced from the House by a vote of 97-1 and has since been introduced in the Senate.

**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 how suffers a mental injury or illness related to duties performed responding to the emergency.

The bill advanced from the House by a unanimous vote and has since been introduced in the Senate.

**Firearms/Self-Defense Act:** [HB 2286](#) by Rep. Harold Wright (R-Weatherford) is a comprehensive amendment of various sections of Title 21. Included are changes to firearms for law enforcement officers, firearm license, and reciprocal agreements. The bill contains details.

The bill advanced from the House by a unanimous vote and has since been introduced in the Senate.

**Bond Oversight/Bond Advisor:** [HB 2668](#) by Mark Lepak (R-Claremore) amends the Oklahoma Bond Oversight and Reform Act in a variety of ways including substituting the Deputy Treasurer for Debt Management for current law's State Bond Advisor in some statutes and the State Treasurer as a substitute in other provisions.

With an emergency clause, the bill advanced from the House by a unanimous vote. It has since been introduced in the Senate.

**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.

The bill advanced from the House by a vote of 78-19 and has since been introduced in the Senate.

**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.

With the title stricken, the bill advanced from the House by a unanimous vote. It has since been introduced in the Senate.

**CLEET/Disability Training:** [HB 2618](#) by Rep. Jon Echols (R-OKC) amends 47 O.S. Section 3106.4 requiring public bodies to make available on their website, or on a general website, details of personally identifiable data collected by the public body. This includes what data is stored, how it is stored and to whom the public body shares the data. The bill contains details.

The bill advanced from the House by a unanimous vote and has since been introduced in the Senate.

**Sales Tax Exemption/Aquarium:** [HB 1005](#) by Rep. Lonnie Sims (R-Jenks) amends 68 O.S. Section 1354 by providing that state tax generated from the sale of tickets for admission by an aquarium exempt from taxation via 26 U.S.C. Section 501(C)(3) or owned or operated by a public trust or political subdivision, shall be collected and disbursed to these entities responsible for the aquarium's operations. The bill contains purposes for expenditure of this state sales tax.

The bill advanced from the House by a vote of 86-7 and has since been introduced in the Senate.

**Firearms/Self-Defense Act:** [HB 1214](#) by Rep. Carl Newton (R-Cherokee) amends the Oklahoma Self-Defense Act regarding residency requirements for application for a handgun license.

The bill advanced from the House by a vote of 92-2 and has since been introduced in the Senate.

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**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.

The bill advanced from the House by a unanimous vote and has since been introduced in the Senate.

**Law Enforcement/Preemption:** [SB 365](#) by Sen. Micheal Bergstrom (R-Adair) creates the Oklahoma Driving Automation System Uniformity Act by preempting counties or municipalities from regulating motor vehicles with driving automation systems. The Act supersedes any existing law or ordinance. The bill contains details.

With the title stricken, the bill advanced from the Senate by a vote of 29-12. It has since been introduced in the House.

**Marijuana/Foreclosure:** [SB 532](#) by Sen. Michael Brooks (D-OKC) is new law regarding a licensed medical marijuana dispensary, commercial grower or processor is foreclosed, is the subject of an order appointing a receiver, becomes insolvent, bankrupt or otherwise ceases operations. A secured party or receiver may continue operations upon submitting to the Oklahoma Medical Marijuana Authority, State Department of Health, proof of a financial interest. The bill contains details including rule-making authority.

The bill advanced from the Senate by a vote of 40-5 and has since been introduced in the House.

**Law Enforcement/Mental Health Transport:** [SB 609](#) by Sen. David Bullard (R-Durant) amends municipal law enforcement's responsibility for transporting any individual initially contacted within such municipality's jurisdiction. Initially contacted shall include, but not be limited to, contact made by a law enforcement officer, firefighter, EMT or health care provider, either in person or by electronic or telephone communication. A licensed mental health professional shall be responsible for documenting the location of presentation or initial contact of the person in need of treatment to determine jurisdiction for the responsible transporting agency. If he/she is unable to make the determination the law enforcement agency where the individual is located is responsible for transportation.

With the title restored, the bill advanced from the Senate by a unanimous vote. It has since been introduced in the House.

**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."

With the title restored and an emergency clause, the bill advanced from the Senate by a unanimous vote. It has since been introduced in the House.

**Firearms/Oklahoma Firearms Act:** [SB 24](#) by Micheal Bergstrom (R-Adair) amends various sections of Title 21 changing the definitions of several firearms. Included are pistols or handguns, shotguns, sawed-off shotgun and firearms.

The bill advanced from the Senate by a vote of 37-9 and has since been introduced in the House.

**Firearms/Concealed Carry:** [SB 34](#) by Sen. Wayne Shaw (R-Grove) makes several changes including requiring a check of the National Instant Criminal Background Check System (NICS) prior to issuance of a Self-Defense Act License. In addition, the Self-Defense Act is amended in several ways on licensing and renewals.

With the title restored, the bill advanced from the Senate by a unanimous vote and has since been introduced in the House.

**Alcoholic Beverages/Golf Courses:** [SB 113](#) by Sen. Micheal Bergstrom (R-Adair) amends 37A O.S. Section 6-108 (4) regarding sales of alcoholic beverages by a holder of a Retail Wine License or a Retail Beer License. Beer and wine may be sold on credit when the license holder is a private membership club, marina, golf course or country club that normally charges food, drinks and other purchases to the member's monthly dues account in the regular course of business in lieu of actual cash payment at the time of purchase.

With an emergency clause, the bill advanced from the Senate by a unanimous vote. It has since been introduced in the House.

**Sales Tax Exemption/American Legion:** [HB 1003](#) by Rep. Mike Sanders (R-Kingfisher) adds a sales tax exemption for the American Legion. See companion bill [SB 8](#).

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With an emergency clause, the bill advanced from the House by a unanimous vote and has since been introduced in the Senate.

**Underground Facilities Act/Excavate:** [HB 2097](#) by Rep. Terry O'Donnell (R-Catoosa) amends the Oklahoma Underground Facilities Damage Prevention Act by adding to the definition of excavate an exemption to the existing exception in subparagraphs (a) and (i) for a private or public easement or right-of-way. In addition, 63 O.S. Section 142.6 is amended to change the time period for an operator with underground facilities to locate and mark their approximate location. Current law is within 48 hours after receiving notification. The change is prior to the date and time work is scheduled to begin.

The bill advanced from the House by a unanimous vote and has since been introduced in the Senate.

**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 altering the definition of provisional license by reducing it from 2 years to 6 months and changing 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 applicants for certification and license plus current law requiring applicants to be employed by a political subdivision is deleted. The bill contains details.

With the title restored and floor amendment adopted, the bill advanced from the Senate by a vote of 43-1. It has since been introduced in the House.

**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, device 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, manufacturing, distribution, further processing or retail facility. No political subdivision shall restrict, tax, prohibit or regulate the use, disposition or sale of auxiliary containers. 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.

With an emergency clause, the bill advanced from the Senate by a vote of 35-9 and has since been introduced in the House.

**Environment/Air Curtain Incinerators:** [SB 1005](#) by Sen. Mark Allen (R-Spiro) creates new law prohibiting the Department of Environmental Quality from requiring the use of an air curtain incinerator for fires purposely set for land clearing operations except in counties or areas that are or have been designated nonattainment for a National Ambient Air Quality Standard or in metropolitan statistical areas with a population of greater than 900,000. The bill contains a definition of air curtain incinerator and authorizes rulemaking. The burning of clean wood waste or yard brush shall not create a public nuisance.

The bill advanced from the Senate by a vote of 41-2 and has since been introduced in the House.

**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. Changes are also made to notification requirements to operators to determine if they have underground facilities in or near the proposed area of excavation or demolition. Current law's 48 hours is replaced with prior to the date and time work is scheduled to begin.

With the floor amendment adopted, the bill advanced from the Senate by a unanimous vote and has since been introduced in the House.

**Law Enforcement/Dumping Trash:** [HB 1110](#) by Rep. Kevin West (R-Moore) and Sen. Chris Kidd (R-Addington) amends 21 O.S. Section 1761.1 regarding dumping garbage, trash, waste, rubbish, refuse, debris or other deleterious substances on any public property, his or her own private property in violation of any county or state zoning or public health regulations shall be guilty of a misdemeanor and fined. Current law does not contain the limiting language of violation of any county or state zoning or public health regulations.



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With the floor amendment adopted, the bill advanced from the House by a vote of 87-10 and has since been introduced in the Senate.

**CLEET/Certificate Reimbursement:** [HB 1207](#) by Rep. Sherrie Conley (R-Newcastle) impacts reimbursement to the original employing agency who paid for CLEET training and the salary of the person while completing the basic police course. If the person leaves within one year after initial employment, in addition to the salary, reimbursement will also include the cost of CLEET training. In addition, if the person leaves the original employing agency later than 1 year, but less than 2 years, after initial employment, the second agency or the person receiving the training shall reimburse the original agency 50% of the cost of CLEET training and salary paid to the person while completing the basic police course by the original employing agency. In addition, current law regarding the peace officer executing a promissory note for academy training expenses payable to CLEET is removed.

With the floor amendment adopted, the bill advanced from the House by a vote of 95-1 and has since been introduced in the Senate.

**Funding/Aggregate Materials:** [HB 1404](#) by Rep. Justin Humphrey (R-Lane) and Sen. David Bullard (R-Durant) is new law authorizing counties to levy a tax upon severance of rock, gravel, granite, sand, limestone or other natural materials mined for producing aggregate. Proceeds of the severance tax shall be used for any roads and bridges. All materials sold to a tax-exempt entity where no sales tax is collected shall be subject to the severance tax. If the mining or extracting of aggregates takes place within the corporate limits of a municipality, 50% of the revenue shall be apportioned to the municipality and 50% to the county. The bill contains details.

The bill advanced from the House by a vote of 68-25 and has since been introduced in the Senate.

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## 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](http://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.

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