



In This Issue

Former Marlow Mayor Brad Boles Sworn in Today	1
Teacher Pay Raise with Increase in Sales Tax Fails Senate	1
Action in Deadline Week	2
Bills on the Move	3



Oklahoma Municipal League

OML 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: missy@oml.org
 Internet: www.oml.org



OML ADVOCATE

Issue No. 06-18

March 16, 2018

FORMER MARLOW MAYOR BRAD BOLES SWORN IN TODAY



Today, the House of Representatives was made complete when former Marlow Mayor Brad Boles was sworn into as a Representative for District 51. Rep. Boles replaces former Rep. Scott Biggs who left early for a job at the federal level. Boles was elected as Mayor of Marlow in 2014. He was active in the OML, the Congress of Mayors and the Community Leadership Development class.

Congratulations Representative Boles. OML is excited to have another municipal voice at the Capitol.

TEACHER PAY RAISE WITH INCREASE IN SALES TAX FAILS SENATE

On Wednesday, the State Senate gutted **HB 1033xx** in the Second Special Session and replaced it with language that was part of the revenue plan to raise funding for education. The bill increased the States sales tax rate from 4.5% to 5.5% ensuring that Oklahoma would have one of the highest average combined sales tax rate in the nation, which will drive many to shop online.

A trailer bill, **SB 861** would have removed the State's portion of the grocery sales tax exemption. However, they stated in the language that the cities and counties would have been allowed to collect their portion of the grocery sales taxes. This bill was contingent upon the passage of HB 1033xx.

The Senate could not come up with the 36 votes they needed to pass HB 1033xx and therefore, it failed.

To see how your Senator voted, please click this [link](#).

ACTION IN DEADLINE WEEK

Yesterday marked the deadline for hearing the bills off the House of Origin floor (Senate bills off Senate floor and House bills off House floors). There was a flurry of activity between the real session and the second special session. Bills that were not heard are considered dead for this Session. However, we have to remain vigilant to make sure language doesn't pop up in other bills.

Thank you for your response to our Action Alerts this week. They were very successful in helping us defeat a few bills.

[SB 1272](#) by Sen. Nathan Dahm (R-Broken Arrow) and Rep. Josh Cockroft (R-Tecumseh) authorizes county commissioners that receive, as a result of the failure to pay taxes, any real property, otherwise designated as a common area, greenbelt or detention pond for a neighborhood development, to transfer ownership to the municipality that created the areas or shall have the authority to invoice the municipality for maintenance and care of such areas.

This bill was defeated on the Senate floor by a [vote](#) of 16-26.

[SB 1259](#) by Sen. Nathan Dahm (R-Broken Arrow) and Rep. Josh Cockroft (R-Tecumseh) provides that the Board of County Commissioners shall have the authority to approve or disapprove any attempt by a municipality to de-annex property to a county.

This bill failed to be heard on the Senate floor and therefore is dormant.

[SB 1465](#) by Sen. James Leewright (R-Bristow) and Rep. Tim Downing (R-Purcell) creates new law preempting political subdivisions regarding auxiliary containers. An auxiliary container is any bag, cup, package, container, bottle or other packing that is made of a variety of substances designed for, but not limited to, consuming, transporting, or protecting merchandise, food or beverages from a food service facility or retail facility. Political subdivisions are prohibited from restricting, taxing, prohibiting or issuing any ordinance regulating the use, disposition or sale of auxiliary containers. An exception for this preemption is if the use of the auxiliary container is on property owned by a county or municipality. Nothing shall prohibit or limit any county or municipal ordinance or agreement regarding a recycling program or the disposal of solid waste.

The bill passed by a [vote](#) of 25-12 with the title restored. The emergency clause passed by a vote of 33-5.

[SB 1494](#) by Sen. James Leewright (R-Bristow) and Rep. Mark Lawson (R-Sapulpa) prohibits any political subdivision from preventing, restricting or discouraging any lender from lending in compliance with Article 3 of Title 14A and Chapter 57 of Title 59. The prohibition also extends to stopping a lender from operating in any location properly zoned for such commercial activities or to creating disincentives for making loans.

This bill passed the Senate by a [vote](#) of 33-5 with the title stricken.

[SB 1369](#) by Sen. Chris Kidd (R-Addington) and Rep. John Jordan (R-Yukon) amends the Fire and Police Arbitration Act at 11 O.S. Section 51-102 by changing the definition of "Board" from PERB to an "Arbitration Board" for unfair labor practice authority as appointed as contained in the bill. Provision is made for a new "Labor Board" to consider union organization petitions. The Labor Board is defined as the Labor Commissioner and his or her designees. The Oklahoma Department of Labor is authorized to prescribe regulations. The bill contains, for unfair labor practices, the preponderance of the testimony standard, a cease and desist order, district court for enforcement of an order and for appropriate temporary relief of restraining order and the like. Both Boards may subpoena witnesses, documents, notices or other process. 11 O.S. Section 51-104a, as amended by Section 51, Chapter 304, O.S.L. 2012 (11 O.S. Supp. 2017, Section 51-104a), is repealed.

The bill passed the Senate by a [vote](#) of 33-6 with the title stricken.

[SB 1374](#) by Sen. Jason Smalley (R-Stroud) and Rep. Josh Cockroft (R-Tecumseh) creates new law in Title 47 regulating dockless bicycles defined as a bicycle, including an electric bicycle, that is self-locking and is not connected to a docking station. The bill impacts bicycle sharing companies which is an entity that makes dockless bicycles available for private use by reservation through an online application, software or website. Regulation via the Oklahoma Tourism and Recreation Department includes licensing, permitting, insurance requirements and mandates for a company's online application, software or website. The Department may charge a fee and is authorized for rule-making. No political subdivision may impose a tax on, or require a license for, a bicycle sharing company for the provision of bicycle rental and use or subject a bicycle sharing company to the political subdivision's requirements for rates, entry, operational or other requirements.

The bill passed the Senate by a [vote](#) of 30-13 with the title stricken.

SB 1475 by Sen. Adam Pugh (R-Edmond) and Rep. Mike Osburn (R-Edmond) creates the Occupational Licensing Review Act creating the Occupational Licensing Advisory Commission. The Commission shall review each occupational or professional licensing act in this state. This includes a public meeting with a vote to determine whether to recommend to the Legislature that the license be maintained, modified, or repealed. Forms shall be developed for consistent evaluation and review of licenses, permits and the like which may be issued by a state regulatory authority, or required by law or rule, before a person may lawfully engage in a particular occupation, profession, trade or business. The Commission may recommend rules and the Department of Labor shall develop rules governing the implementation, duties and responsibilities of the Commission as provided in the Occupational Licensing Review Act.

The bill passed the Senate by a [vote](#) of 34-1 with the title restored.

SB 1174 by Sen. Kimberly David (R-Porter) and Rep. Glen Mulready (R-Tulsa) creates the Freedom to Work Act prohibiting a political subdivision from imposing any occupational fees or licensing requirements on any profession if the political subdivision does not already impose occupational fees or licensing requirements on that profession. Existing regulation may continue on condition that the occupational fees do not exceed \$25 per year. If the fees exceed \$25, then the licensing authority shall immediately reduce fees to the limits of this bill. No regulations can add additional licensing requirements to those already imposed by a state licensing authority. Municipalities must stop fees and licensing requirements if a state licensing authority imposes any new requirements on any profession that was previously unregulated by the state. Fees must be waived for low-income individuals and military families.

The bill passed the Senate by a [vote](#) of 37-0 with the title stricken.

HB 2894 by Rep. Zack Taylor (R-Seminole) and Sen. Marty Quinn (R-Claremore) creates new law for licensing and occupational fees. It requires all state and political subdivision licensing authorities to revise their existing licensing requirements to explicitly list the specific criminal records that would disqualify an applicant. A disqualification shall not last longer than 5 years.

The bill passed the House by a [vote](#) of 81-5.

BILLS ON THE MOVE

Here is a snapshot of bills impacting cities and towns.

Bidding/Bond: **HB 2676** by Rep. Kevin West (R-Moore) and Sen. James Leewright (R-Bristow) amends 61 O.S. Sections 113.1 and 226 in various ways. Changes are made to the availability of retainage depending on whether the public construction contract is or is not subject to a bond. If not subject to a bond, a contract may provide up to 5% of all partial payments withheld as retainage. If subject to a bond, no retainage shall be withheld from the entity posting the bond. Subcontracts are also impacted in Section 226.

The bill passed the House by a unanimous vote.

Public Property/Trash: **HB 2702** by Rep. Jon Echols (R-OKC) and Sen. Eddie Fields (R-Wynona) increases fines for those who deliberately place garbage, trash, waste, rubbish, refuse, debris or other deleterious substances on any public property or on private property without consent of the property owner. Fines are increased by any person violating this provision with any item of furniture, or item that exceeds 50 pounds. One-half of the fines are redirected to the general fund of the county if the citation is issued by a county peace officer. The bill contains details.

The bill passed the House by a unanimous vote.

Workers' Compensation: **HB 2722** by Rep. Todd Russ (R-Cordell) and Sen. Mark Allen (R-Spiro) amends Workers' Compensation by altering the definition of employee.

The bill passed the House by a vote of 70-17.

Occupational License Database/DOL: **HB 2771** by Rep. Mike Osburn (R-Edmond) creates the Oklahoma Department of Labor Occupational License Database allowing public access to all occupational licenses and certifications. The Department of Labor shall make rules by which each state agency, board or commission or any other entity that regulates an occupation in this state shall submit a searchable electronic version of information listed in the bill related to licensure or certification of the occupation. The bill contains details.

The bill passed the House by a vote of 76-13.

Firearms/Self Defense Act: **HB 2889** by Rep. Zack Taylor (R-Seminole) amends applications for a handgun license with the sheriff authorized to charge a fee for taking fingerprints.

The bill passed the House by a vote of 75-1.

Railroads/Crossings: **HB 3388** by Rep. Roger Ford (R-Midwest City) amends 66 O.S. Section 128

increasing the fine if a railroad company violates its duty to construct and maintain crossings across portions of its track, roadbed or right-of-way over which any public highway may run. The fine is increased from \$25 per day to \$50 per day.

The bill passed the House by a unanimous vote.

Law Enforcement/Uniform Controlled Dangerous Substances: [SB 939](#) by Sen. Robert Standridge (R-Norman) and Rep. Rande Worthen (R-Lawton) adds substances to the Uniform Controlled Dangerous Substances Act.

The bill passed the Senate by a unanimous vote.

Law Enforcement/Uniform Controlled Dangerous Substances: [SB 940](#) by Sen. Robert Standridge (R-Norman) and Rep. Rande Worthen (R-Lawton) adds substances to the Uniform Controlled Dangerous Substances Act.

The bill passed the Senate by a unanimous vote.

Law Enforcement/Vulnerable Adult Investigations: [SB 993](#) by Sen. A J Griffin (R-Guthrie) and Rep. Harold Wright (R-Weatherford) amends 43 O.S. Section 10-105 by requiring, when feasible, law enforcement and the Department of Human Services jointly conduct an investigation of a report of alleged abuse of a vulnerable adult. Current law requires an investigation by the Department. The bill contains details.

The bill passed the Senate by a unanimous vote.

Massage Therapy Practice Act: [SB 1063](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Tammy West (R-Bethany) amends the Massage Therapy Practice Act in a variety of ways including licensing requirements. The Act shall supersede all ordinances or regulations regulating massage therapist "and massage therapy establishments" in any city, county or political subdivision. The bill contains details.

The bill passed the Senate by a vote of 25-20 with the title restored.

Medical Marijuana/Regulation: [SB 1120](#) by Sen. Ervin Yen (R-OKC) and Rep. Chris Kannady (R-OKC) creates a number of new sections of new law regulating medical marijuana which will be effective upon certification of election returns favoring passage of State Question No. 788. Included is the authorization for municipalities and counties to create a new zoning classification to regulate the location of registered organizations. The classification shall include reasonable parking, access

regulations and other such zoning regulations as is deemed necessary. The State Board of Health shall send a notice to cities and counties regarding the registered organization application. The local authority has 20 business days to respond with a recommendation to approve or objection to the applicant, location or both. The bill contains comprehensive details.

The bill failed the Senate by a vote of 21-20 and is now being held on a motion to reconsider.

Rail Fixed Guideway Systems/Regulation: [SB 1131](#) by Sen. Darcy Jech (R-Kingfisher) and Rep. Ryan Martinez (R-Edmond) creates the Oklahoma State Safety Oversight Program for the Department of Transportation to develop and enforce program standards for all private and public rail fixed guideway systems not administered by the Federal Railroad Administration.

The bill and its emergency clause passed the Senate by a vote of 38-1 with the title restored.

Roofing/Regulation: [SB 1170](#) by Sen. Darcy Jech (R-Kingfisher) and Rep. Todd Russ (R-Cordell) amends the Roofing Contractor Registration Act by adding an exception to the Act for commercial business entities and their employees.

The bill passed the Senate with the title restored by a unanimous vote.

Law Enforcement/Sex Offenders: [SB 1221](#) by Sen. James Leewright (R-Bristow) and Rep. Kyle Hilbert (R-Depew) adds the residence of a victim of a sex crime to current law's zone of safety provisions. The bill contains details.

The bill passed the Senate by a unanimous vote.

Bail Bonds/Charges: [SB 1251](#) by Sen. James Leewright (R-Bristow) and Rep. Josh West (R-Grove) amends 59 O.S. Sections 1327 and 1332 regarding the bond being exonerated by operation of law in which the defendant has new or additional charges.

The bill passed the Senate by a unanimous vote.

Water/Groundwater: [SB 1294](#) by Sen. Roland Pederson (R-Burlington) and Rep. John Pfeiffer (R-Mulhall) amends several sections of groundwater law regarding the use of hydrologic surveys to determine the tentative maximum annual yield (MAY). OWRB is authorized to cooperate with tribal agencies as well as state and federal agencies. In addition, in making its

final determination as to MAY, which is allocated by “a regular permit”, OWRB may allow for delayed or gradual implementation of equal proportionate share allocations if current total allocated amount of groundwater is 25% or less of the MAY. Such delayed or gradual implementations may be authorized only if it would not interfere or violate limits applicable to use of water from a sensitive sole source aquifer, or allow the use of groundwater in excess of 25% of MAY. It shall not affect any regular permit and shall be effectuated by issuance of appropriate temporary permits.. In subsequent basin or sub-basin hearings, and after additional hydrologic surveys, OWRB may increase the amount of water allocated but shall not decrease the water allocated by “regular permits issued prior to completion of the additional hydrologic surveys”. In addition, changes are made to 82 O.S. Section 1020.17 by allowing withdrawal of water by regular and temporary permits. Finally, Section 1020.18 is altered regarding well location exceptions. Detailed criteria is established.

The bill passed the Senate by a unanimous vote.

Fire Protection Districts/Annexation: [SB 1389](#) by Sen. Roland Pederson (R-Burlington) and Rep. John Pfeiffer (R-Mulhall) impacts fire protection districts by increasing the board of directors, all districts having more than two full-time paid firefighters shall have one full-time chief who will direct the fire department, the fire chief position is regulated in a variety of ways by new law, provision is made for an assistant fire chief and company officers. In addition, territory adjacent to the existing district but within another county may be included in the limits of such districts by the board of directors, county commissioners of both counties and written consent of owners of property to be included. Comprehensive new law is proposed in case a municipality annexes a portion of or all of the district. The bill contains details.

The bill passed the Senate by a unanimous vote.

OWRB/Fee Revolving Fund: [SB 1515](#) by Sen. Eddie Fields (R-Wynona) and Rep. John Pfeiffer (R-Mulhall) authorizes the OWRB Fee Revolving Fund which is a continuing fund for the direct and indirect costs of enforcement and administration of the water duties of OWRB. It shall consist of all the monies collected by OWRB for water-related fees.

The bill passed the Senate by a vote of 37-3 with the title and emergency clause restored.

Oklahoma Inspectors Act/Circuit Rider Program: [SB 1555](#) by Sen. Tom Dugger (R-Stillwater) and Rep. Dennis Casey (R-Morrison) amends the Oklahoma

Inspectors Act by altering the definition of “provisional license”, removing the definition of “report writer” and changing provisional licenses. It authorizes the funding and development of a circuit rider program to enable political subdivisions over 10,000 and under 65,000 to share building and construction inspectors.

The bill passed the Senate by a vote of 35-4.

Pension/Actuarial Analysis Act: [HB 1340](#) by Rep. Randy McDaniel (R-Edmond) and Sen. Greg Treat (R-OKC) amends the Oklahoma Pension Legislation Actuarial Analysis Act by adding to the definition of a non-fiscal bill. Added is provision for a one-time increase in retirement benefits if the increase in retirement benefits is not a permanent increase in the gross annual retirement benefit payable to a member or beneficiary, occurs only once pursuant to a single statutory authorization and does not exceed five (5) alternative benefit increases/funded ratios. The retirement benefits increase in the alternatives if higher funded ratios are maintained. As an example, included is the lesser of 2% of the gross annual retirement benefit of the member or \$1,000 if the funded ratio of the affected retirement system would not be less than 60% but not greater than 80% after the benefit increase is paid. In addition, new law recites the need for retiree benefit increases since the last authorization in 2008, and the modification of a non-fiscal bill is a prudent response to the needs of retirees and is consistent with obligations for prudent and conservative management.

The bill passed the House by a vote of 90-5.

Employment/Discriminatory Wages: [HB 1530](#) by Rep. Jason Dunnington (D-OKC) and Sen. Stephanie Bice (R-OKC) amends 40 O.S. Sections 198.1 and 198.2 regarding employer paying discriminatory wages. It increases penalties and prohibits an employer from discharging or discriminating against an employee because he/she inquired about, discussed or disclosed the wages of the employee or another employee with someone employed by the company.

The bill passed the House by a vote of 52-40.

Public Safety/Immediate Family: [HB 2592](#) by Rep. Ross Ford (R-Broken Arrow) and Sen. Nathan Dahm (R-Broken Arrow) authorizes the Secretary of the State Election Board to keep confidential the residence and mailing address of the immediate family of law enforcement personnel. Immediate family means a spouse, child by birth or adoption, stepchild, parent, grandparent, grandchild, sibling or spouse of any immediate family member.

The bill passed the House by a vote of 85-2.

Ambulance/Training Requirement: [HB 2760](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Stephanie Bice (R-OKC) amends the Oklahoma Emergency Response Systems Development Act by amending requirements for licensure and adding requirements for stretcher vans.

The bill and its emergency clause passed the House by a vote of 81-6.

Sales Tax/OTC Reporting: [HB 2991](#) by Rep. Marcus McEntire (R-Duncan) and Sen. A J Griffin (R-Guthrie) requires the Oklahoma Tax Commission to report to the Legislature on the overall incidence of income, sales and other excise taxes. The report shall give information on the distribution of the tax burden for the overall income distribution, using a system wide incidence measure, such as the Suits index or other means; by income classes, including at a minimum, deciles of the income distribution; and by other appropriate taxpayer characteristics.

The bill passed the House by a unanimous vote.

Pawnshop/Penalties: [HB 3070](#) by Rep. Rande Worthen (R-Lawton) and Sen. Greg Treat (R-OKC) amends the Oklahoma Pawnshop Act by creating penalties for selling or pledging property to a pawnbroker who uses false or altered identification.

The bill passed the House by a vote 86-8.

Sales Tax Exemption/New: [HB 3123](#) by Rep. Meloyde Blancett (D-Tulsa) and Sen. Roger Thompson (R-Okemah) creates a new sales tax exemption for sales to or by a 501(c)(3) organization that provides community access to advanced 21st Century manufacturing and digital fabrication tools for stated purposes. The bill contains details.

The bill passed the House by a vote of 59-33.

Law Enforcement/Fines: [HB 3304](#) by Rep. Harold Wright (R-Weatherford) and Sen. Eddie Fields (R-Wynona) amends 47 O.S. Section 11-801 regarding speeding violations from one to 10 miles per hour over the limit. The total fine and court costs is limited to \$70 for one to five miles per hour over the limit and \$90 for six to ten miles per hour over the limit. Any limitation in court costs shall be applied in equal proportion to all categories of applicable court costs.

The bill passed the House by a vote of 90-1.

Water/Groundwater: [HB 3405](#) by Rep. Weldon Watson (R-Tulsa) amends 82 O.S. Section 1020.1 by adding "marginal water" to the definition of "groundwater". Marginal water means water which has less than 10,000 parts per million total dissolved solids.

The bill passed the House by a vote of 63-27.

Bidding/Contractors: [HB 3409](#) by Rep. Weldon Watson (R-Tulsa) amends 61 O.S. Section 113 by adding that bonds or irrevocable letter of credits must protect the awarding public agency against "structural failures as a result of expected usage, weather conditions" or "inadequate" workmanship. The bond/irrevocable letter of credit must provide protection for a period "up to five (5) years as determined by the awarding public agency". Current law is one (1) year.

The bill passed the House by a vote of 92-2.

Small Cell/Deployment Act: [HB 2957](#) by Rep. Todd Thomsen (R-Ada) is a Committee Substitute for an As Introduced shell bill.

The bill advanced off the House Floor with the title stricken by a vote of 94-2.

Nursing Homes/Quality Care Fund: [HB 2958](#) by Rep. Todd Thomsen (R-Ada) amends the Nursing Facility Quality of Care Fund in 63 O.S. Section 1-1925.2 by removing various duties of Advisory Committee and authorizing the Oklahoma Health Care Authority to implement a case-mix-adjusted payment methodology.

The bill passed the House with the title stricken by a vote of 60-20.

Law Enforcement/DNA Collection: [HB 3439](#) by Rep. Carol Bush (R-Tulsa) and Sen. Wayne Shaw (R-Grove) amends DNA testing requirements in Title 22. Impacted are Rapid DNA instruments, accredited laboratories operating via OSBI, a municipality or a county and submission to the OSBI Combined DNA Index System (CODIS) database. The bill contains details.

The bill passed the House with the title stricken by a vote of 53-38.

Law Enforcement/Sex Offenders Registration: [HB 1124](#) by Rep. Kyle Hilbert (R-Depew) and Sen. James Leewright (R-Bristow) amends the Sex Offenders Registration Act by adding the residence of a victim of a sex crime to the zone of safety in 21 O.S. Section 1125. The bill contains details.

The bill passed the House by a unanimous vote.

Drug Courts/Regulations: [HB 2881](#) by Rep. Josh West (R-Grove) and Sen. Greg Treat (R-OKC) amends the Oklahoma Drug Court Act in a variety of ways. Included are changes to eligibility requirements and review and process of an offender for a drug court program.

The bill passed the House with the title stricken by a unanimous vote.

Electrical License Act/Supervisory Authority: [HB 2935](#) by Rep. Glen Mulready (R-Tulsa) and Sen. Julie Daniels (R-Bartlesville) amends the Electrical License Act by adding a definition of “electrical work” including what electrical work is not and an exception is created for Class 2 and Class 3 circuits provided NFPA 70 requirements are met. In addition, no more than 3 apprentice electricians shall work under the supervision of a single journeyman or contractor.

The bill passed the House by a vote of 72-10.

Transportation/County: [HB 3129](#) Rep. Glen Mulready (R-Tulsa) and Sen. Julie Daniels (R-Bartlesville) amends 19 O.S. Section 1505 by adding “road and bridge construction services” to county procedures for purchasing.

The bill passed the House by a vote of 80-9.

Law Enforcement/Inmate Alert: [HB 3469](#) by Rep. John Jordan (R-Yukon) and Sen. Wayne Shaw (R-Grove) creates new law authorizing the establishment of an early warning system program known as an “Inmate Alert”. It is developed by the Department of Corrections to coordinate effort among DOC, DPS, local law enforcement agencies and media officials.

The bill passed the House with the title stricken by a vote of 83-3.

Firearms/Unlawful Carry: [HB 2527](#) by Rep. Bobby Cleveland (R-Slaughterville) and Sen. Robert Standridge (R-Norman) amends unlawful carry by adding county employees when acting in the scope of employment within the courthouses of the county.

The bill passed the House by a vote of 72-13.

Underground Facilities/Excavate: [HB 3407](#) by Rep. Weldon Watson (R-Tulsa) and Sen. Mark Allen (R-Spiro) amends the definition of “excavate” by deleting from current law “any individual excavating on his own property and who is not in the excavating business for hire”.

The bill passed the House by a vote of 60-24.

CLEET/Municipal CLEET Academies: [SB 1096](#) by Sen. Greg McCortney (R-Ada) and Rep. Todd Thomsen (R-Ada) creates an investigations unit authorized to investigate violations of any state statute or administrative rule regarding the Bail Enforcement and Licensing Act, Oklahoma Security Guard and Private Investigator Act. The population limits are removed from CLEET conducting an investigation to determine if a requesting municipality or county meets criteria to conduct a basic law enforcement training academy. Finally, changes are made to other areas including revocation of certification and reserve officers.

The bill passed the Senate by a vote of 38-4.

Ambulance/Liens: [SB 1118](#) by Sen. Ervin Yen (R-OKC) and Rep. Dale Derby (R-Owasso) amends 42 O.S. Section 49 regarding liens for every governmental entity or trust authority operating an ambulance service for any person injured as a result of the negligent or intentional act of another. It removes current law’s requirement for written notice setting forth “an itemized” statement of the amount claimed.

The bill and its emergency clause passed the Senate by a unanimous vote.

Law Enforcement/Impaired Driving: [SB 1163](#) by Sen. Kimberly David (R-Porter) and Rep. Greg Babinec (R-Cushing) repeals various 2017 statutes and replaces with new law. 47 O.S. 2011, Section 6-212.3, as last amended by Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section 6-212.3) is repealed. New law is created regulating the installation of an ignition interlock device as required by the bill. An Impaired Driver Accountability Program shall be established by DPS under the bills requirements. 47 O.S. 2011, Section 753, as last amended by Section 12, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section 753) is repealed. New law provides for testing to determine alcohol concentration or any other intoxicating substance. 47 O.S. 2011, Section 754, as amended by Section 13, Chapter 392, O.S.L. 2017 (47 O.S. Suppl. 2017, Section 754) is repealed. New law establishes the procedure when alcohol concentration limits are reached. Finally, 47 O.S. 2011, Section 755 is repealed.

The bill passed the Senate with the title restored by a vote of 28-14.

Law Enforcement/Impaired Driving: [SB 1164](#) by Sen. Kimberly David (R-Porter) and Rep. Greg Babinec (R-Cushing) repeals various 2017 statutes and replaces

with new law impacting various aspects of revocation of the driving privilege.

The bill passed the Senate with the title restored by a vote of 28-14.

Law Enforcement/Ignition Interlock Device: [SB 1165](#) by Sen. Kimberly David (R-Porter) and Rep. Greg Babinec (R-Cushing) repeals 47 O.S. 2011, Section 11-902a. New law impacts driving without an ignition interlock device by a person required to have the device. Penalties are created.

The bill passed the Senate with the title restored by a unanimous vote.

Quality Events Initiative Act: [SB 1252](#) by Sen. Gary Stanislawski (R-Tulsa) and Rep. John Pfeiffer (R-Mulhall) amends the Oklahoma Quality Events Incentive Act several ways including current laws “economic impact study”. The term “actual documentation” is substituted.

The bill and the emergency clause passed by a vote of 39-6.

Nursing Home/Administrators: [SB 1444](#) by Sen. Paul Scott (R-Duncan) and Rep. Jason Murphey (R-Guthrie) amends 63 O.S. Section 330.51. It provides a nursing facility administrator may concurrently serve as the administrator of record for one nursing facility or skilled nursing facility and one other facility which is either an assisted living center, a residential care home or an adult day care center. However, the two facilities shall have the same owner, they shall be within 15 miles of one another and their combined number of occupied beds and participants shall not exceed 150. See SB 1328.

The bill passed the Senate by a unanimous vote.

Affordable Housing Act/Tax Credit: [SB 953](#) by Sen. A J Griffin (R-Guthrie) and Rep. Kevin Wallace (R-Wellston) modifies the Oklahoma Affordable Housing Act by expanding a “qualified project” from a county with a population of less than 150,000 to a population of less than 300,000. Any credit claimed but not used beginning on or after January 1, 2019, may be carried forward to each of the two (2) subsequent taxable years. Current law is five (5) subsequent taxable years.

The bill passed the Senate with the title restored by a vote of 42-1.

Law Enforcement/DUI: [SB 1091](#) by Sen. Greg Treat (R-OKC) and Rep. Dustin Roberts (R-Durant) amends

47 O.S. Section 11-902 by removing current law’s language authorizing the district attorney to seek to enhance punishment.

The bill passed the Senate by a unanimous vote.

Law Enforcement/Firearm: [SB 1098](#) by Sen. Greg Treat (R-OKC) and Rep. Rande Worthen (R-Lawton) enlarges the definition of grand larceny and crimes by persons who receive stolen property to include a firearm, without regard to the value of the firearm.

The bill passed the Senate with the title restored by a unanimous vote.

Railroads/ Crossings: [SB 1137](#) by Sen. Stephanie Bice (R-OKC) and Rep. Weldon Watson (R-Tulsa) amends 66 O.S. Section 128 impacting the duty of a railroad company to construct a crossing across the portion of its track, roadbed or right-of-way over which a public highway runs. The amendment establishes the crossing as “the space between the tracks and two (2) feet on either side thereof.”

The bill passed the Senate with the title restored by a vote of 41-1.

Railroads/Crossing Public Road: [SB 1138](#) by Sen. Stephanie Bice (R-OKC) and Rep. Weldon Watson (R-Tulsa) amends 69 O.S. Section 601. Where a railway company crosses a public road, it shall improve the space between its tracks, and two (2) feet on either side thereof, in the manner that the remainder of the road is to be improved, or with such other material as the county commissioners may require.

The bill passed the Senate with the title restored by a vote of 40-2.

Government Entity/Religious Convictions: [SB 1140](#) by Sen. Greg Treat (R-OKC) and Rep. Travis Dunlap (R-Bartlesville) prohibits a state or local government entity from denying a private child-placing agency any grant, contract, or participation in a government program because the agency’s objection to performing or participating in a placement violates the agency’s written religious or moral convictions or policies.

The bill passed the Senate with the title restored by a vote of 35-9.

Vehicles/Special Permit: [SB 1211](#) by Sen. A J Griffin (R-Guthrie) and Rep. Avery Frix (R-Muskogee) amends 47 O.S. Section 14-103 regarding regulation of vehicle exceeding a height of 13½ feet. This height can be

exceeded if a special DPS permit is created, as provided in 47 O.S. Section 14-103G.

The bill passed the Senate with the title restored by a unanimous vote.

Telecommunications/Small Wireless Facilities: [SB 1388](#) Sen. Greg Treat (R-OKC) and Sen. Roger Thompson (R-Okemah) is a comprehensive bill for the deployment of small wireless facilities.

The floor substitute was adopted, and the bill passed with the title stricken by a vote of 42-1.

Alcoholic Beverages/Licenses: [SB 1498](#) by Sen. Stephanie Bice (R-OKC) and Rep. Glen Mulready (R-Tulsa) authorizes any political subdivision which is entitled to notice of any application for a license to be considered an interested party and shall be given notice of any issuance of license. The political subdivision is also entitled to appeal any issuance in the same manner as the applicant would be entitled to appeal a denial of the license application. In addition, notice of an application for a license shall be mailed to the “chief of police” of any city or town – current law requires it be mailed to the city or town.

The bill passed the Senate by a vote of 37-4.

Government Entity/Religious Convictions: [SB 1140](#) by Sen. Greg Treat (R-OKC) and Rep. Travis Dunlap (R-Bartlesville) prohibits a state or local government entity from denying a private child-placing agency any grant, contract, or participation in a government program because the agency’s objection to performing or parting in a placement violates the agency’s written religious or moral convictions or policies.

The bill passed the Senate with the title restored by a vote of 35-9.

Budgets/Public Hearing: [HB 3347](#) by Rep. Sean Roberts (R-Hominy) and Sen. Josh Brecheen (R-Coalgate) amends 11 O.S. Section 17-208 expanding the notice of a public hearing on a proposed municipal budget. The notice of the date, time and place, together with the proposed budget shall be published “on the municipality’s website” and in a newspaper of general circulation in the municipality not less than “seven (7)” days before the date of the hearing. Current law is “five (5)” days. The bill also removes current law regarding the limited publication requirements for small municipalities when the total operating budget, not including debt service, does not exceed \$12,000 per year. Under current law, for these small communities the proposed budget and notice may be posted at the

governing body’s principal headquarters in lieu of publication in a newspaper.

The bill passed the House by a vote of 83-9.

County Improvements for Roads Fund/County Infrastructure Fund: [HB 2656](#) by Rep. JJ Humphrey (R-Lane) and Sen. Casey Murdock (R-Felt) amends 69 O.S. Section 507 regarding funds apportioned by subparagraph L of 47 O.S. Section 1104. Prior to November 1, 2018 funding shall be held by the Transportation Commission to the credit of a county project regarding roads or bridges. After this date, all encumbered funds shall be deposited in the new County Infrastructure Disbursement Fund, a continuing fund, not subject to fiscal year limitations. This Fund will be used to carry out the implementation of the specific project to construct or reconstruct county roads or bridges on the county highway system that are the highest priority as defined by the Transportation Commission via 69 O.S. Section 507.

The bill passed the House by a unanimous vote.

Firearms/Transportation: [HB 2713](#) by Rep. Jon Echols (R-OKC) and Sen. Nathan Dahm (R-Broken Arrow) amends various sections impacting firearms including convicted felons and delinquents, firearms in vehicles and improper transportation of firearms. The bill passed the House by a vote of 79-14.

Firearms/Conditions for Carry: [HB 2918](#) by Rep. Jeff Coody (R-Grandfield) and Sen. Nathan Dahm (R-Broken Arrow) amends 21 O.S. Section 1289.6 regarding conditions under which firearms may be carried. Language is removed to allow carrying of concealed firearms.

The bill passed the House by a vote of 66-16.

Law Enforcement/Child Passenger Restraint: [HB 3026](#) by Rep. Emily Virgin (D-Norman) and Sen. Ervin Yen (R-OKC) amends 47 O.S. Section 11-1112 by making various changes to the child passenger restraint system in a motor vehicle. Included is an increase in the child’s age from under 8 to under 14 years old.

The bill passed the House by a vote of 51-41 and was then held on a motion to reconsider, which failed by a vote of 51-37. It is currently being held on a second motion to reconsider.

Groundwater/Turnpike Authority: [HB 3089](#) by Rep. Josh Cockroft (R-Tecumseh) amends 69 O.S. Section 1707 impacting the exception to the Oklahoma Turnpike Authority’s authorization to acquire by purchase, or

condemnation, land or deposits of rock, gravel and the like. The bill adds “groundwater rights” to the exception which currently is limited to oil and other mineral rights. The bill contains details.

The bill passed the House by a unanimous vote.

Law Enforcement/Body Cams: [HB 3224](#) by Rep. Jadine Nollan (R-Sand Springs) and Sen. Wayne Shaw (R-Grove) exempts counties from keeping any audio or video recording equipment attached to the person of a law enforcement officer that do not depict or directly relate specified incidents.

The bill passed the House with the title stricken by a vote of 70-17.

Law Enforcement/Left Lane: [HB 3290](#) by Rep. John Enns (R-Enid) and Sen. Jack Fry (R-Midwest City) amends 47 O.S. Section 11-309 by adding to situations in which a driver on a roadway divided into four or more lanes may drive in the left lane. Added is “road conditions” and “weather conditions”. Also, this paragraph shall not prohibit driving in the left lane of a roadway within the city limits of a municipality as long as the roadway is not part of the Interstate Highway System.

The bill passed the House by a vote of 87-1.

Law Enforcement/Multipurpose Vehicles: [HB 3317](#) by Rep. Scott Fetgatter (R-Okmulgee) creates new law requiring the registration of High Mobility Multipurpose Wheeled Vehicles (HMMWVs). The bill contains details and includes giving rulemaking authority to the Tax Commission and definitions.

The bill advanced off the House Floor by a unanimous vote.

Firefighter Pension System/Volunteers: [HB 3329](#) by Rep. Mike Sanders (R-Kingfisher) and Sen. A J Griffin (R-Guthrie) amends 11 O.S. Section 49-135. The fire chief shall determine the activities of anyone over age 45 regardless of any current retirement pension benefits the individual may receive and/or is currently receiving in the performance of volunteer firefighting services.

The bill advanced off the House Floor by a vote of 65-2.

DEQ/Shell: [HB 3356](#) by Rep. Sean Roberts (R-Hominy) and Sen. Eddie Fields (R-Wynona) creates the Department of Environmental Quality Modification Act of 2018 shell bill.

The bill advanced off the House Floor by a vote of 87-1.

Municipal Regulations/Curbs: [HB 3392](#) by Rep. Mike Sanders (R-Kingfisher) and Sen. A J Griffin (R-Guthrie) amends 11 O.S. Section 43-103 requiring municipalities to prohibit any curb structure across a driveway of a multi-family dwelling that creates unsafe or unreasonable access for pedestrians or any person not using a vehicle accessing a multi-family dwelling from a road. The bill contains definitions and details.

The bill advanced off the House Floor by a vote of 68-14.

Water/Conservation Act: [HB 3536](#) by Rep. Chad Caldwell (R-Enid) and Sen. Greg McCortney (R-Ada) amends the Oklahoma County and City Energy Conservation Act by adding water-metering devices that increase efficiency or accuracy of water measurement and energy reduction to the definition of energy conservation measures. Impacted is repayment of lease-purchase agreements which shall not exceed the “greater of 20” years, procedure for energy conservation contracts, changing the definition of “performance-based efficiency contract”, State Bond Advisor consultation and method of calculating cost savings. The bill contains details.

The bill advanced off the House Floor by a vote of 70-14.

Rights-of-Way/Temporary Pipes: [HB 3578](#) by Rep. Ryan Martinez (R-Edmond) and Sen. Lonnie Paxton (R-Tuttle) creates new law authorizing any person or entity lawfully operating and, in the course of doing business in this state, to use the public roads and highways, including the right-of-way and all easements pertaining thereto. Use is specifically allowed for the placement of temporary pipe and supporting equipment for the transportation and disposal of waste water used in the process of oil production. Consent must be obtained via rules made by the Department of Transportation as to the highway system, and board of county commissioners regarding roads and highways under their jurisdiction, and/or private property owners. The use is temporary if it does not exist for longer than one (1) year. The pipes cannot inconvenience or endanger the public and the person or entity must repair/replace and damage, injury or other change to roadways or rights-of-way of the state, county or municipality.

The bill advanced off the House Floor with the title stricken by a vote of 58-35.

Transportation/Bypass of Municipality: [SB 86](#) by Sen. Kimberly David (R-Porter) and Rep. George Faught (R-Muskogee) amends 69 O.S. Section 1205 providing for all new construction of state highways that have a primary purpose of bypassing municipalities, the Department shall conduct an economic impact study on

the affected municipalities. The study shall be conducted in addition to any study required by state or federal law. Upon completion of the study 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 a the majority of the affected municipalities, shall the construction project be added to the Department's Eight-Year Construction Work Plan.

The bill advanced off the Senate floor with the title stricken by a vote of 32-12.

Use Tax/Out-of-State Vendors: [SB 337](#) by Sen. David Holt (R-OKC) and Rep. Greg Babinec (R-Cushing) requires out-of-state vendors making sales of tangible personal property for use in this state that does not collect use tax to file an annual statement with the Tax Commission. The statement for each purchaser must show the total amount paid for Oklahoma purchases during the preceding calendar year. Retailers or vendors that do not collect use tax that make Oklahoma sales of more than \$100,000 in a year, may be required by OTC to electronically file the annual statement. Failure to file shall subject the retailer or vendor to a penalty of \$10 for each purchaser unless they show reasonable cause of such failure.

The bill advanced off the Senate floor with the title restored by a vote of 34-8.

Constitutional Right/Venue: [SB 781](#) Sen. Anthony Sykes (R-Moore) and Rep. John R. Bennett (R-Sallisaw) authorizes a legal action alleging violation of constitutional rights in any court of general jurisdiction, regardless of whether the person is a resident of the county in which the court is situated. Nothing shall be construed to limit original jurisdiction proceedings.

The bill advanced off the Senate floor by a unanimous vote.

Law Enforcement/Fine: [SB 1203](#) by Sen. Anthony Sykes (R-Moore) and Rep. Dustin Roberts (R-Durant) creates a fine not to exceed \$60 and court costs not to exceed \$40 for violation of speeding in two sections of 47 O.S. Section 11-801.

The floor substitute was adopted, and the bill advanced off the Senate floor with the title restored by a vote of 38-5.

Workers' Compensation: [SB 1340](#) by Sen. Anthony Sykes (R-Moore) and Rep. Leslie Osborn (R-Mustang) is a comprehensive amendment of the Workers' Compensation Act in a variety of ways. Included are

changes to a number of definitions including compensable injury, disability, major cause, occupational disease, scheduled member and the like. This 110 plus page bill changes the Commission, Multiple Injury Trust Fund, Affidavit of Exempt Status, compensation awards, vocational rehabilitation, Self-insurance Guaranty Fund and various procedural matters. Several existing statutes are repealed.

The bill advanced off the Senate floor by a unanimous vote.

Law Enforcement/Jury Duty: [SB 921](#) by Sen. Nathan Dahm (R-Broken Arrow) and Rep. Roger Ford (R-Midwest City) amends 38 O.S. Section 28 by adding CLEET certified municipal, county or state law enforcement officers to those not qualified to serve as jurors.

The bill advanced off the Senate floor with the title restored by a vote of 37-6.

Firearms/Felons: [SB 1158](#) by Sen. Paul Scott (R-Duncan) and Rep. Jeff Coody (R-Grandfield) amends 21 O.S. Section 1283 removing the prohibition for a convicted felon to have in his possession firearms "in which the person is riding as a passenger". In addition, several specifically named firearms in current law are removed.

The bill passed the Senate by a vote of 42-1.

Water/Regional Water Planning: [SB 1241](#) by Sen. Josh Brecheen (R-Coalgate) and Rep. Todd Russ (R-Cordell) creates the Oklahoma Water Sustainability Act to use and develop water resources available within each geographic region of this state. The public policy is to use programs and incentives to maximize the efficient use of water resources available within each region. OWRB is given duties to coordinate regional and local planning, sharing information and technical resources, coordinating partnership opportunities and provide analysis and guidance. The bill contains details.

The floor substitute was adopted, and the bill advanced off the Senate floor by a unanimous vote.

Law Enforcement/Electronic Communication Device: [SB 1419](#) by Sen. J.J. Dossett (D-Sperry) and Rep. Ben Loring (D-Miami) makes it unlawful for an operator of a motor vehicle, in a school zone, during normal school hours, use a cellular telephone or other handheld device to engage in voice communications. The bill contains exceptions and a penalty provision.

The bill advanced off the senate floor with the emergency clause and title restored by a vote of 37-9.

Employment/Discriminatory Wages: [SB 1527](#) by Sen. Kay Floyd (D-OKC) and Rep. Katie Henke (R-Tulsa) amends 40 O.S. Sections 198.1 and 198.2 making it unlawful for an employer to discriminate in any way 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 like or comparable character of work on like or comparable operations. The bill contains a number of exceptions. In addition, it is unlawful for an employer to discharge or discriminate against an employee because he or she inquired about, discussed or disclosed the wages of the employee or another employee with someone employed by the company. An exception is made for an employee whose job responsibilities allow access to other employees' wage information. Finally, the Commissioner of Labor is authorized to enforce Section 198.1 by administrative fines, which are increased as compared to current law, for each separate violation per pay period. In addition, the Commissioner is authorized to order the employer to pay any back pay found to be owed the employee.

The bill advanced off the Senate floor by a vote of 37-6.

Interlocal Cooperation Act/Housing Programs: [SB 1564](#) by Sen. A J Griffin (R-Guthrie) and Rep. John Jordan (R-Yukon) amends the Interlocal Cooperation Act by authorizing a public agency administering federal housing programs statewide to enter into agreements with a U.S. agency or of another state in order to benefit the State of Oklahoma through administration of federal housing programs. The bill contains details.

The bill advanced off the Senate floor by a vote of 40-4.

Alcohol Beverages/Licenses: [SB 1571](#) by Sen. Stephanie Bice (R-OKC) and Rep. Marcus McEntire (R-Duncan) amends the authorization of a mixed beverage license holder in a municipality in which a university is located. Beer may be sold in original packages only for off-premises consumption, from 8 a.m. until midnight on the day of any regularly scheduled football game of the university.

The bill advanced off the Senate floor by a vote of 28-12.