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DEADLINE WEEK MOVES SEVERAL BILLS

This Thursday completed the deadline in the House and Senate for bills and joint resolutions to be considered in their chamber of origin. Approximately 920 bills and joint resolutions continue to move through the legislative process.

MEDICAL MARIJUANA

Governor Stitt has signed 11 bills this session including [HB 2612](#), commonly referred to as the medical marijuana “Unity Bill”. [SB 1030](#) by Sen. Paxton (R – Tuttle) passed off the Senate floor on Wednesday, March 13 with a vote of 40-7. This bill addresses municipal issues with medical marijuana. It will now move to the House with Rep. Bush (R – Tulsa) as the author. Both Sen. Paxton and Rep. Bush were members of the bicameral bipartisan working group on medical marijuana last summer.

OML PRIORITY BILLS

[SB 400](#) (GPT for Municipal Road Repairs) by Sen. Paxton (R-Tuttle) passed off the Senate floor with a vote of 40-6 on Monday, March 11. That same day, [SB 824](#) (Economic Impact Study for Highway Bypass) by Sen. David (R-Porter) passed with a vote of 45-1.

Earlier in the week, we sent an email regarding [HB 1992](#) (Public Safety Districts) by Rep. Nollan (R-Sand Springs). The Speaker of the House has chosen to hold over the bill until next year. OML has received assurances from the Speaker and House Leadership that this bill will run next year with their support. As conversations continue with the Speaker’s Office, we will provide additional information as soon as possible.

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

Residential Housing/Regulation Prohibition: [HB 1032](#) by Rep. Ryan Martinez (R-Edmond) is new law prohibiting counties and municipalities from regulating single-family residential building design elements unless detailed requirements are met as set out in the bill. There are definitions and details.

The bill advanced from the House by a vote of 73-25. It has since been introduced in the Senate.

Taking/Oil and Gas: [HB 2150](#) by Rep. John Pfeiffer (R-Mulhall) and Sen. Mark Allen (R-Spiro) creates a taking whenever a municipality, county or political subdivision, other than the Corporation Commission, adopts or implements an ordinance, resolution, rule, regulation or other form of official policy concerning oil and gas operation as described in the bill. This includes substantially interfering with the use and enjoyment of the mineral estate, imposing or enforcing a limitation that adversely impacts the use and development of minerals, or prohibits access to develop the mineral estate, thereby substantially reducing the fair market value of the mineral estate. This does not apply to any ordinance, resolution, rule, regulation or other forms of official policy adopted or implemented prior to December 31, 2014.

After adopting the floor amendment, the bill advanced from the House by a vote of 64-32 with an emergency measure that passed by a vote of 69-22. It has since been introduced in the Senate.

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

With the floor amendment adopted, the bill advanced from the House by a vote of 96-3. It has since been introduced in the Senate.

Pension/COLA: [HB 2304](#) by Rep. Avery Frix (R-Muskogee) amends the Oklahoma Pension Legislation Actuarial Analysis Act by amending the definition of “nonfiscal retirement bill” to include a 4% COLA for those receiving benefits from various state retirement systems including the Firefighters and Police. The bill contains details.

With the floor amendment adopted, the bill advanced from the House by a vote of 98-3. It has since been introduced in the Senate.

Public Buildings/Public Subdivision Construction Management Act: [HB 2666](#) by Rep. Kevin Wallace (R-Wellston) and Sen. James Leewright (R-Bristow) is new law creating the Public Construction Management Act for Political subdivisions. In addition, public subdivisions are impacted by changes to 61 O.S. Sections 61, 62 and 202.1. Impacted are construction managers and construction management including removal of current political subdivision exclusions, bonds, retainage and the like. The bill contains details.

The bill advanced from the House by a vote of 65-34. It has since been introduced in the Senate.

Sales Tax Exemptions/American Legion: [SB 8](#) by Sen. Roger Thompson (R-Okemah) adds a sales tax exemption for the American Legion.

With the title restored and an emergency measure, the bill advanced from the Senate by a unanimous vote.

Public Building/Pre-Fabricated: [SB 110](#) by Sen. Micheal Bergstrom (R-Adair) is new law impacting any building erected by a municipality, county, state public trust or public agency that has a pre-fabricated engineered design. The municipality shall not be required to contract with a consultant for engineering of the structures framing system of the pre-engineered metal building if it meets the detailed conditions in the bill. Such buildings shall be exempt from the State Architectural and Registered Interior Designers Act. The bill contains details.

The bill failed on the Senate floor by a vote of 28-18. It has since been held on a motion to reconsider.

Transportation/Funding: [SB 400](#) by Sen. Lonnie Paxton (R-Tuttle) 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 5,000 persons and greater, provided the county has a population of less than 150,000. Current law is unchanged for municipalities in counties in excess of 150,000.

With the floor amendment adopted, the bill advanced from the Senate by a vote of 40-6.

Enterprise Zone/Tax Credit: [SB 473](#) by Sen. Dave Rader (R-Tulsa) and Rep. Scott Fetgatter (R-Okmulgee) amends 62 O.S. Section 842 impacting income tax credits and changing the qualifying dates for an incentive or increment district. In addition, an enterprise engaged in a retail activity loses current law's income tax credit authorized by the Local Development and Enterprise Zone Incentive Leverage Act. The maximum amount of state local enterprise matching payments is also altered. 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. Dates are also changed in 62 O.S. Section 843 regarding the Department of Commerce certification of the project plan located in an enterprise zone and that the qualifying investment and development being substantially completed no later than December 31, 2034. Current law is December 31, 2024.

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

REAP/Population Increase: [SB 553](#) by Sen. Roger Thompson (R-Okemah) and Rep. Scott Fetgatter (R-Okmulgee) increases the population limits for entities eligible under the Rural Economic Action Plan of 1996. It requires priority in funding for economic development projects authorized therein to be given to cities, towns or unincorporated areas with less than seven 7,000 persons according to either the latest Federal Decennial Census or the current population estimates according to the U.S. Census Bureau.

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

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.

With an emergency measure, the bill advanced from the Senate by a vote of 38-9. It has since been introduced in the House.

Open Meetings/Public Notice: [SB 740](#) by Sen. Adam Pugh (R-Edmond) amends the public notice portion of the Open Meeting Act. 25 O.S. Section 311 is amended to correct a statutory reference by inserting 74 O.S. Section 3106.2. This Section requires public bodies to make available on their website a schedule and information about the regularly scheduled meetings of the public bodies or their governing bodies. In addition, any municipality that pays any type of compensation to their mayor or city councilors shall post on the homepage of the municipal website information regarding the mayor's or city councilors' compensation, including salary, benefits and any other item of value. The bill contains details.

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

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 advanced from the Senate by a vote of 45-1. It has since been introduced in the House.

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.

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

Sales Tax Exemption/Disabled Veterans: [SB 310](#) by Sen. Frank Simpson (R-Ardmore) expands the current sales tax exemption for disabled veterans by including disability from medical treatment or vocational rehabilitation services provided by the U.S. Department of Veterans Affairs. The dollar limit for the surviving spouse is increased from \$1,000 per year to \$5,000 per year. The bill provides details.

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

Rights-of-Way/Temporary Pipelines: [SB 517](#) by Sen. Lonnie Paxton (R-Tuttle) is new law requiring use of rights-of-way, as defined in 69 O.S. Section 236, only after written consent of each individual impacted record landowner is obtained and compensation negotiated and paid. There are exceptions. Written consent and compensation are also needed for temporary pipe, water hoses or lines for transportation and disposal of water used in oil or natural gas production. There are detailed regulations, definitions, remedying any damages to public roads or highways or rights-of-way of this state or to any county or municipality and disclosures.

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

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 stream's respective instream flow determination. The bill contains details.

With the title stricken, the bill advanced from the House by a vote of 75-20. It has since been introduced in the Senate.

Nursing Home/Reimbursement Plan: [HB 1902](#) by Rep. Marcus McEntire (R-Duncan) amends current law by giving exclusive authority to the Oklahoma Health Care Authority to develop an incentive reimbursement rate plan for nursing facilities. The detailed bill provides an incentive of extra funding from funds reserved from per patient day and deducted from the nursing facility's per diem rate, establishment of an advisory group and a pay-for-performance program. Changes are also made for reimbursement for Intermediate Care Facilities for Individuals with Intellectual Disabilities, staffing ratios, base year prospective direct care rate component, calculation of new average rate and new training requirements. All regulated entities providing long-term care services shall utilize a single assessment tool to determine client service needs. The bill contains details.

With an emergency measure, the bill passed the House by a unanimous vote.

Employment/FPAA: [HB 1968](#) by Rep. Ross Ford (R-Broken Arrow) amends the Fire and Police Arbitration Act (FPAA) by adding a procedure for unionization elections. Due to the sunset of the Public Employees Relations Board the bill authorizes the Oklahoma Department of Labor to hold elections. If a legal challenge arises related to the election, the Labor Commissioner shall choose either to rule, which his/her ruling being final, or the challenge may be referred to arbitration via 11 O.S. Sections 51-106 through 51-111. Fees and expenses are borne equally. The bill contains details.

The bill advanced from the House by a vote of 77-12. It has since been introduced in the Senate.

Occupational Licenses/Prior Conviction: [HB 2134](#) by Rep. Cyndi Munson (D-OKC) is new law prohibiting a person from being disqualified from any occupation for which a license is required because of a prior conviction, unless it is directly related to the occupation for which the license is sought. The bill includes exceptions, required criteria, notification mandates, mitigation or rehabilitation evidence, time frames and reapplication times.

The bill advanced from the House by a vote of 85-6. It has since been introduced in the Senate.

Law Enforcement/DNA Collection: [SB 184](#) by Sen. Wayne Shaw (R-Grove) 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 organizations as qualified via this statute. Provision is made for DNA identification matching purposes, use of Rapid DNA technology by a jail, detention facility or other designated facility. An additional exception is added for non-analysis and destruction if the DNA sample was provided as a condition of a plea agreement. The bill contains details.

With the floor substitute adopted and the title restored, the bill advanced from the Senate by a vote of 32-10. It has since been introduced in the House.

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 advanced from the Senate by a vote of 40-4. It has since been introduced in the House.

Employment/Discrimination: [SB 649](#) by Sen. Kay Floyd (D-OKC) is new law prohibiting an employer from discharging or 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 advanced from the Senate by a vote of 30-14. It has since been introduced in the House.

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

to evaluate projects. The bill contains a number of new definitions as well as extensive details.

With the title restored, the bill advanced from the Senate by a vote of 42-2. It has since been introduced in the House.

Alcoholic Beverages/Children: [SB 820](#) by Sen. Stephanie Bice (R-OKC) allows a child under age 12 accompanied by an adult age 21 or older to enter a retail spirit licensee located in the county, provided the county has voted to allow such entrance.

With an emergency measure, the bill advanced from the Senate by a vote of 26-17. It has since been introduced in the House.

Water/Groundwater Irrigation District: [SB 998](#) by Sen. Casey Murdock (R-Felt) is new law creating the Groundwater Irrigation District Act for permit holders in a proposed District for procurement conservation grant funding. The bill contains details of the required petition to create the District plus duties for county commissioners and OWRB including rulemaking.

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

Hospital/Districts: [HB 1750](#) by Speaker Charles McCall (R-Atoka) is new law creating the Oklahoma Local Hospital and Health Care District Act of 2019. The District may be created by contiguous counties or a municipality located within a county that is contiguous to at least one county that has formed a District. The bill contains extensive details on governance, funding and the like.

With the title stricken, the bill advanced from the House by a vote of 91-3. It has since been introduced in the Senate.

Marijuana/Taxation: [SB 307](#) by Sen. Julie Daniels (R-Bartlesville) alters the medical marijuana 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.

With the floor substitute adopted and an emergency measure, the bill advanced from the Senate by a vote of 36-11. It has since been introduced in the House.

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 the 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.

With the title restored, the bill advanced from the Senate by a vote of 42-1. It has since been introduced in the House.

Taxation/Remote Sellers: [SB 513](#) by Sen. Stephanie Bice (R-OKC) amends sales and use tax remittance by remote sellers. Among the changes in current law is deletion of remote sellers leaving a marketplace facilitator or a referrer for those in 68 O.S. Section 1392(A)-(F) defined as sales worth at least \$10,000. In new Section G, a remote seller is redefined as aggregate sales or delivery to locations within the state worth at least \$100,000 during the preceding or current calendar year shall collect and remit the tax imposed under provisions therein. Remote seller is also generally removed from Sections 1393-1396. When mentioned, reference is made to the new Section 1392(G). The bill provides details.

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

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 advanced from the Senate by a unanimous vote. It has since been introduced in the House.

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.
