OKLAHOMA MUNICIPAL LEAGUE
The Unified Voice of Oklahoma Cities and Towns

Advocate
Legislative Bulletin

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SECOND LEGISLATIVE DEADLINE REACHED

Today marks the second legislative deadline. Today's deadline is for bills to be heard on the floor of their chamber of origin. Over the last two weeks of floor work, nearly 800 bills were considered by the House and Senate. This leaves approximately 300 additional bills that will no longer move through the legislative process this session. We are pleased to report that two additional OML priority bills passed off the Senate floor and will advance to the House:

SB 1595 by Sen. Treat (R – Oklahoma City) & Rep. McCall (R – Atoka) passed 47–0. This bill establishes an annual "sales for resale" permit to aid in compliance of the sales for resale tax exemptions.

SB 1687 by Sen. Paxton (R – Tuttle) & Rep. Echols (R – Oklahoma City) passed 44-1. This bill modifies the Standards for Workplace Drug and Alcohol Testing Act to include certain volunteers, which would include volunteer fire firefighters and reserve peace officers.

It is anticipated that a minimal number of bills will be considered in committee or on the chamber floors next week. The third week of March has been historically quiet at the legislature due to Spring Break, with many committees already posting cancellation notices. We do anticipate many bills will receive their committee assignments in the opposite chamber of origin by the end of the week.

LEGISLATIVE RECEPTION

If you have not yet done so, please mark your calendars for OML's Legislative Reception on Wednesday, April 1, 2020. This event will be held at the Old Surety Life Insurance Company (5201 N. Lincoln Blvd, Oklahoma City) from 4:00 – 7:00 p.m. This is an excellent networking opportunity amongst municipal officials and legislators from across the state. This event is free, but we ask that you RSVP **here.**

As you are undoubtedly aware, COVID-19 has led to the cancellation of many high-attendance events. If it is determined that this event should be postponed, we will notify you by email no later than March 30.

Bills on the Move

Incentive Evaluation Commission: HB 1031 by Rep. Ryan Martinez (R-Edmond) and Sen. Adam Pugh (R-Edmond) amends 62 O.S. Section 7002 impacting the Incentive Evaluation Commission by adding a definition of "tax structure". In new law the bill authorizes the Commission to systematically evaluate the Oklahoma tax structure as required in the bill. The Commission may contract out the project and must report to state leaders by December 31, 2021.

The bill passed the House by a vote of 92 to 0. It is headed to the Senate.

Drug Testing/Reform Act: HB 1112 by Rep. Justin Humphrey (R-Lane) and Sen. Joseph Silk (R-Broken Bow) is new law creating the Oklahoma Drug Testing Reform Act which requires use of the best practices and guidelines outlined in 49 CFR Part 40 for certain entities. All drug testing shall be conducted by personnel meeting the training qualifications found in 49 CFR Part 40. This Act provides drug and alcohol testing standards for "testing required or requested by employers and for federal, state, county and municipal service providers, including probation and parole service providers, private probation persons, the Department of Corrections, any state-authorized court and community-based treatment programs".

The bill passed the House by a vote of 68 to 28. It is headed to the Senate.

Municipal Court/Drivers Licenses: HB 1298 by Rep. Nicole Miller (R-Edmond) and Sen. Kim David (R-Porter) amends various sections of Title 47 impacting courts notification requirement to DPS, revocation of driving privileges upon conviction of specific crimes, procedure for filing a petition for relief based on error or hardship, period of revocation, license suspension and agreements with DPS for a provisional license. The bill was amended on the floor to address concerns from the district attorneys.

The bill passed the House by a vote of 95 to 1. It is headed to the Senate.

Preemption/Working Animals: HB 2008 by Rep. Garry Mize (R-Guthrie) and Sen. Brent Howard (R-Altus) is new law prohibiting the state or political subdivisions from terminating, banning or effectively banning by creating undue financial hardship on the use of livestock in support of a family.

The bill passed the House with the title stricken by a vote of 92 to 0. It is headed to the Senate.

Public Buildings/Changing Stations: HB 2017 by Rep. Kelly Albright (D-Midwest City) and Sen. Chris Kidd (R-Addington) is new law requiring new construction, renovations and replacement of state and municipal buildings open to the public include at least one baby changing table. The bill was amended on the floor to require all new construction in state or municipal buildings open to the public after January 1, 2022, to include at least one baby changing table and if a renovation or replacement exceeds fifty percent (50%) of the value of the state or municipal building. It exempts buildings not frequented by the public. Tables must be accessible for men and women.

The bill passed the House by a vote of 77 to 20. It is headed to the Senate.

Water Wells: HB 2078 by Rep. Jay Steagall (R-Yukon) and Sen. John Montgomery (R-Lawton) amends 82 O.S. Section 1020.21 regarding municipalities authority to regulate or permit the drilling of domestic and industrial water wells within its corporate limits. A municipalities use of the water allocated to platted land is amended by adding the wells located "on platted land shall be" not less than 600 feet within its limits, and such wells "may be" drilled on the platted land "or dedicated land."

The bill passed the House by a vote of 78 to 2. It is headed to the Senate.

Firearms: HB 2546 by Rep. Sean Roberts (R-Hominy) and Sen. Julie Daniels (R-Bartlesville) is a large bill renaming Sections 1270 through 1290.27 of Title 21 as the Oklahoma Self-Defense Act of 2020. There are changes indicating this change in over 60 sections of the bill. Also, 21 Sections 1289.1 and 1290.1 are repealed.

The bill passed the House by a vote of 77 to 20. It is headed to the Senate.

Firearms/Municipal Employees: HB 2547 by Rep. Sean Roberts (R-Hominy) and Sen. Micheal Bergstrom (R-Adair) allows municipalities, by ordinance, to authorize all or certain municipal employees to carry concealed firearms. The employee must have been issued a valid handgun license pursuant to the Oklahoma Self-Defense Act. The bill provides immunity to civil and criminal liability to the employee. It also prohibits carrying a firearm in

prohibited locations and defines those locations. 11 O.S. Section 22-139 is repealed.

The bill was amended removing section 2 in its entirety and replacing it with language regarding the obligation for political subdivisions to pay reasonable expenses to a person if the aggrieved person first provides written notice of the unlawful order, policy, ordinance or regulation by first-class mail or service and allows the political subdivision ninety (90) days to rescind, repeal, or otherwise abrogate the order, policy ordinance and regulation; and the court grants final determination in favor of the person. If the political subdivision does not rescind, repeal or otherwise abrogate the order, policy, ordinance, or regulation, the aggrieved party shall retain standing in the suit and may recover damages and "reasonable expenses." It defines "reasonable expenses" includes, but is not limited to, attorney fees, expert witness fees and court costs."

The bill passed the House by a vote of 77 to 21. It is headed to the Senate.

Health Insurance/Non-Discrimination: HB 2587 by Rep. Sean Roberts (R-Hominy) and Sen. Julie Daniels (R-Bartlesville) is new law creating the Nondiscrimination in Health Care Coverage Act impacting discrimination toward those with physical and mental disabilities, advanced age or chronic illness. Both public and private payers have a moral, legal and ethical obligation to make health care reimbursement decisions in a transparent fashion utilizing nondiscriminatory criteria. The bill contains definitions, a prohibition from employing a "dollars-per-quality adjust life year, or similar measure that discounts the value of a life because of an individual's disability, as a threshold to establish what types of health care is cost effective or recommended". The bill includes comment requirements, consultation mandates with various groups and stakeholder engagement, reporting requirements and the like.

The bill passed the House by a vote of 69 to 21. It is headed to the Senate.

CLEET/Technology Centers: HB 2813 by Rep. Rande Worthen (R-Lawton) and Sen. Adam Pugh (R-Edmond) authorizes CLEET to establish and certify addition training program at state-supported technology centers for teaching pre-law-enforcement students between 16 and 19.

The bill passed the House by a vote of 97 to 0. It is headed to the Senate.

Construction Industries Board/Sunset: HB 2824 by Rep. Tom Gann (R-Inola) and Sen. Nathan Dahm (R-Broken Arrow) recreates the Construction Industries Board until July 1, 2021.

The bill passed the House by a vote of 75 to 13. It is headed to the Senate.

CLEET: HB 2848 by Rep. Daniel Pae (R-Lawton) and Sen. Michael Brooks (D-OKC) provides that CLEET "may establish appropriate training resources focused on the investigations of unidentified and missing persons and may require all CLEET-certified law enforcement officers to complete such training on a regular basis".

The bill passed the House by a vote of 90 to 1. It is headed to the Senate.

Small Oklahoma Hospital Survival Act: HB 2870 by Rep. Lundy Kiger (R-Poteau) and Sen. Lonnie Paxton (R-Tuttle) is new law creating the Small Oklahoma Hospital Survival Act impacting reimbursement rates, contractual requirements, prohibiting discrimination, provider networks, penalty and notice provisions and the like.

The bill passed the House with the title stricken by a vote of 94 to 0. It is headed to the Senate

Soliciting: HB 2948 by Rep. Stan May (R-Broken Arrow) and Sen. J.J. Dossett (D-Owasso) amends 47 O.S. Section 11-507 to forbid prohibition of individuals from soliciting in a roadway maintained by a municipality in compliance with a permit and regulations adopted by ordinance.

The bill passed the House by a vote of 94 to 0. It is headed to the Senate.

Firearms/Regulations: HB 3010 by Rep. Tom Gann (R-Inola) and Sen. Marty Quinn (R-Claremore) adds locations to the list of places in which it is unlawful to carry a weapon. It was amended to add any property set aside by a city, town, county, state, or federal government authority for an event which is secured with minimum-security provisions.

The bill passed the House by a vote of 76 to 16. It is headed to the Senate.

Abandoned Property: HB 3018 by Rep. Denise Crosswhite Hader (R-Yukon) and Sen. Lonnie Paxton (R-Tuttle) amends county property sales in 68 O.S. Section 3129 by adding an exception for nuisance property by granting the county the discretion to not bid off the property in the name of the

county. Instead, the property would remain under its current ownership. Greenbelts, common areas, easements and detention ponds may be considered nuisance property if a hardship would be caused for the neighborhood or subdivision these areas were meant to serve, or to the county or third party. The bill contains definitions.

The bill passed the House by a vote of 94 to 0. It is headed to the Senate.

Courts/Prostitution Fines: HB 3025 by Rep. Daniel Pae (R-Lawton) and Sen. John Montgomery (R-Lawton) amends 21 O.S. Section 1031 increasing the fine for prostitution-related offenses for the third or subsequent conviction. This crime is a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000 or both.

The bill passed the House with the title stricken by a vote of 78 to 17. It is headed to the Senate.

CLEET/Developmental Disability Training: HB 3041 by Rep. Tammy West (R-Bethany) and Sen. Darrell Weaver (R-Moore) amends 70 O.S. Section 3311.5 to authorize that CLEET may include its required courses of study for law enforcement certification a minimum of 8 hours of developmental disability awareness training.

The bill passed the House by a vote of 94 to 1. It is headed to the Senate.

Law Enforcement/Excessive Force: HB 3058 by Rep. Kevin McDugle (R-Broken Arrow) and Sen. Darrell Weaver (R-Moore) amends 22 O.S. section 34.1 regarding a peace officer's use of excessive force. It removes the current definition references to policies and guidelines of the law enforcement entity. In addition, a violation of such policies or guidelines shall not be used or considered in determining if the force was excessive under criminal law.

The bill passed the House by a vote of 77 to 20. It is headed to the Senate.

Administrative Procedures Act/Legislative Action: HB 3078 by Rep. Jay Steagall (R-Yukon) and Sen. Stephanie Bice (R-OKC) provides that statutory law adopted by the Legislature shall supersede any rule promulgated by a state agency that conflicts with the statute.

The bill passed the House by a vote of 77 to 17. It is headed to the Senate.

Workers' Compensation/Work-Based Learning: HB 3085 by Rep. Kyle Hilbert (R-Depew) and Sen. James Leewright (R-Bristow) is new law impacting the workers' compensation act by creating a "work-based learning employer" with a premium reduction not to exceed 5% if created as required in bill.

The bill passed the House by a vote of 96 to 0. It is headed to the Senate.

Employment/Unemployment Insurance: HB 3096 by Rep. Zack Taylor (R-Seminole) and Sen. Adam Pugh (R-Edmond) amends unemployment comp in several ways regarding benefits. This includes changes to the definition of "benefit wages" and is a new definition of "State average unemployment rate." The new duration of benefits is based on the state's average unemployment rate in various contexts as described in the bill.

The bill passed the House with the title stricken by a vote of 63 to 34. It is headed to the Senate.

Juveniles/Sentencing: HB 3135 by Rep. Emily Virgin (D-Norman) and Sen. George Young (D-OKC) is new law departing from sentencing requirements involving sexually abused children. Judges shall have greater flexibility in cases involving a child sex trafficking victim or child sex abuse victim when the victim commits a crime against the abuser of the victim.

The bill passed the House with the title stricken by a vote of 92 to 0. It is headed to the Senate.

Tort Claims Act/Political Subdivisions: HB 3155 by Rep. Ryan Martinez (R-Edmond) by Rep. Ryan Martinez (R-Edmond) amends the Governmental Tort Claims Act by redefining a "political subdivision" to include a certain regional transportation authority as well as its contract operator or any railroad operating in interstate commerce.

The bill passed the House by a vote of 91 to 0. It is headed to the Senate.

Firearms/Immunity Claim: HB 3165 by Rep. Kevin West (R-Moore) and Sen. Julie Daniels (R-Bartlesville) amends the Oklahoma Firearms Act impacting the claim of immunity for use of defensive force.

The bill passed the House by a vote of 73 to 23. It is headed to the Senate.

Municipal Campaign Finance and Financial Disclosure Act: HB 3172 by Rep. Kevin West (R-Moore) and Sen. Rob Standridge (R-Norman) amends the

Campaign Finance Act of municipalities, counties, and school districts. Changes include additions to the definition of "municipal political committee" to include "two" or more persons composing the committee and adding questions submitted to a vote of the people. Also, 11 O.S. Section 56-108 is amended to require statements of financial interests be filed with the municipal clerk subject to requirements as set forth under Commission rules for statements of financial interests filed with the Ethics Commission. In addition, the Ethics Commission shall develop online reporting processes, as funds are available.

The bill passed the House by a vote of 92 to 1. It is headed to the Senate.

Sales Tax Exemption/Addiction Services: HB 3185 by Rep. T.J. Marti (R-Tulsa) and Sen. Dave Rader (R-Tulsa) creates a new sales tax exemption for organizations certified as a Comprehensive Community Addiction Recovery Center and substantially funded via the Oklahoma Department of Mental Health and Substance Abuse Services. There was an untimely filed amendment that addresses one facility in the State.

The bill passed the House with the title stricken by a vote of 72 to 19. It is headed to the Senate.

Medical Marijuana: HB 3227 bill by Rep. Jon Echols (R-OKC) and Sen. Rob Standridge (R-Norman) is a comprehensive bill amending a number of areas of medical marijuana in Oklahoma. Included are changes to a number of license holders including regulation as well as fees and fines recordkeeping, review time by the Department of Health. In addition, marijuana growers are authorized to sell pre-rolled cigarettes containing pure flower only and no additives, the location of retail marijuana establishments are prohibited within 300 feet from any public or private school with requirements of how the distance is measured, a number of definitions are changed in the Medical Marijuana and Patient Protection Act, changes are made to regulation by the Oklahoma Medical Marijuana Authority including fees, fines and emergency powers.

The bill passed the House by a vote of 90 to 6. It is headed to the Senate.

Medical Marijuana Act of 2020: HB 3228 bill by Rep. Jon Echols (R-OKC) and Sen. Rob Standridge (R-Norman) is a comprehensive bill amending a number of areas of medical marijuana in Oklahoma. Included are changes to a number of license holders including regulation as well as fees and fines recordkeeping, review time by the Department of Health. In addition, marijuana growers are authorized to sell pre-rolled cigarettes containing pure flower only and no additives, the location of retail marijuana establishments are prohibited within 300 feet from any public or private school with requirements of how the distance is measured, a number of definitions are changed in the Medical Marijuana and Patient Protection Act, changes are made to regulation by the Oklahoma Medical Marijuana Authority including fees, fines and emergency powers.

The bill passed the House by a vote of 90 to 6. It is headed to the Senate.

Medical Marijuana Licenses: HB 3229 by Rep. Jon Echols (R-OKC) and Sen. Lonnie Paxton (R-Tuttle) amends 63 O.S. Section 420 by removing the requirement that a person in possession of a state-issued marijuana license and a caregiver license must be an Oklahoma residence.

The bill passed the House by a vote of 86 to 12. It is headed to the Senate.

Marijuana/Waste Management: HB 3230 by Rep. Jon Echols (R-OKC) and Sen. Darrell Weaver (R-Moore) amends 63 O.S. Section 428.1 by adding to the definition of "medical waste." Added is all products deemed to fail laboratory testing and products from commercial licensees, research facilities and education facilities that have gone out of business.

The bill passed the House by a vote of 90 to 2. It is headed to the Senate.

Law Enforcement/Disposition of Property: HB 3276 by Rep. Brad Boles (R-Marlow) and Sen. Darrell Weaver (R-Moore) amends 11 O.S. Section 34-104 impacting the police chiefs authorization to dispose of personal property or money which has come into the possession of the police department. If these items come into possession in connection with a criminal investigation or arrest, disposal shall be made by the court or a prosecuting attorney. Changes are also made to time frames, substituting the "municipality" for current laws "police chief" in the process, new notice provisions and the like.

The bill passed the House by a vote of 91 to 0. It is headed to the Senate.

Law Enforcement/Property: HB 3277 by Rep. Rande Worthen (R-Lawton) and Sen. Darrell Weaver (R-Moore) amends several sections of Title 22 regarding stolen or embezzled money or other property held in custody of a municipality in any

criminal investigation being returned to the proper person. Changes are made involving a number of ways including process, notice by first-class mail, changes in hearing dates, standards for the courts and the like.

The bill passed the House by a vote of 81 to 0. It is headed to the Senate.

Health Insurance/Right-to-Shop Act: HB 3290 by Rep. Zack Taylor (R-Seminole) and Sen. Greg McCortney (R-Ada) is new law creating the Oklahoma Right to Shop Act. It provides health insurance carriers "may offer a shared savings incentive program to provide incentives to an enrollee when the enrollee obtains a comparable health care service". The bill contains definitions, procedures on how incentives are calculated and requirements for a carrier that offers a shared savings incentive program. Rulemaking is given to the Insurance Department and the Department must make an analysis of the cost-effectiveness of implements an incentive-based program.

The bill passed the House by a vote of 91 to 0. It is headed to the Senate.

Court/Penalty: HB 3336 by Rep. Andy Fugate (D-OKC) and Sen. Rob Standridge (R-Norman) amends 47 O.S. Section 11-403.1 by decreasing the fee for a person convicted of failure to yield a right-of-way who causes a fatality or serious bodily injury from $1,000 to $500. In addition to the fee, the court may impose additional penalties, including a remedial driving course; loss of driver license for 90 days or payment of restitution of no less than $3,000, but no more than $10,000.

The bill passed the House by a vote of 85 to 3. It is headed to the Senate.

Tort Claims/Liability: HB 3337 by Rep. Andy Fugate (D-OKC) and Sen. Julia Kirt (D-OKC) amends the Governmental Tort Claims Act by adding an exclusion of liability for three (3) situations. These are: 1) actions of a commissioned police officer providing services to a secondary employer outside his/her primary employment as a peace officer, 2) operation of state or political subdivision owned vehicles or equipment by a commissioned peace officer not engaged in the furtherance of these government's business at the time of the loss or claim, and 3) regarding outdoor public property and facilities available for public recreation, except those claims resulting from willful and wanton acts of negligence.

The bill passed the House by a vote of 94 to 0. It is headed to the Senate.

Pensions/COLA Increase: HB 3350 by Rep. Avery Frix (R-Muskogee) and Sen. Roger Thompson (R-Okemah) authorizes a cost of living adjustment (COLA) between two and four percent for retirees of the following pension systems: Police Pension and Retirement System, Firefighters Pension and Retirement System, Public Employees Retirement System, Law Enforcement Retirement System, Retirement Systems for Justices and Judges, and Teachers' Retirement System.

The bill passed the House by a vote of 99 to 0. It is headed to the Senate.

PERB: HB 3376 by Rep. Ross Ford (R-Broken Arrow) and Sen. John Haste (R-Broken Arrow) amends the Fire and Police Arbitration Act by requiring a municipal employer to recognize an association selected by majority vote as the exclusive bargaining agent for firefighters and police officers. The election process shall be agreed upon by the parties. If unable to agree, either party may request the American Arbitration Association to conduct and certify the election. The election cost is paid by the union association proposed as the bargaining agent. If two associations seek recognition, the associations shall equally pay the election costs. 11 O.S. Sections 51-104, 51-104a and 51-104b are repealed.

The bill passed the House by a vote of 91 to 2. It is headed to the Senate.

Oklahoma Workplace Clean Air Act: HB 3384 by Rep. Harold Wright (R-Weatherford) and Sen. Gary Stanislawski (R-Tulsa) is new law creating the Oklahoma Workplace Clean Air Act. It prohibits smoking in all enclosed areas, including buildings and vehicles owned, leased, operated or contracted for use by the state or any of its' subdivisions, in all enclosed places of employment without exception, in all enclosed public places and indoor recreational areas and indoor and outdoor places, with exclusions. The bill is extensive regulation including anti-discrimination provisions with fines and criminal penalties and a numerous details, including definitions. Statutes are also repealed. Political subdivisions are authorized to adopt local regulations that are more restrictive than this Act.

The bill failed the House by a vote of 33 to 64. It was held on a "Motion to Reconsider." It was brought back and the "Motion to Reconsider" was adopted. Rep. Wright struck the title.

The bill passed 65 to 30. It is headed to the Senate.

Healthcare/Out-of-Network Surprise Billing: HB 3388 by Rep. Chris Sneed (R-Fort Gibson) and Sen. Kim David (R-Porter) is new law creating the Oklahoma Out-of-Network Surprise Billing and Transparency Act. It requires health insurance benefit policies to reference the usual, customary and reasonable rate for providing reimbursement transparency for out-of-network healthcare providers and facilities. The bill contains definitions, detailed regulations, a penalty provision, special provisions for emergency services, an arbitration process, a covered person receiving covered services at an in-network facility form an out-of-network provider and various similar scenarios.

The bill passed the House by a vote of 92 to 3. It is headed to the Senate.

Municipal Utilities Oversight Act: HB 3397 by Rep. Marcus McEntire (R-Duncan) and Sen. Chris Kidd (R-Addington) is new law creating the Municipal Utility Oversight Act. The amendment requires the municipal board of adjustment to hear utility customer appeals. It establishes a procedure by which a customer can file a complaint against the municipal utility.

It was amended on the floor to remove Sections 2 through 6. It adds a new Section 2 and allows the Board of Adjustment to hear utility customers appeals as outlined in Section 3 of the act. It also adds several definitions.

The bill passed the House by a vote of 90 to 4. It is headed to the Senate.

Work Zone Safety Act: HB 3508 by Rep. Avery Frix (R-Muskogee) and Sen. Marty Quinn (R-Claremore) is new law creating the smart work zone system which is the application of computers, communications and sensor technology to highway transportation. The bill contains definitions and rulemaking is given to the Oklahoma Department of Transportation.

The bill was amended creating a Work Zone Safety Division in the Department of Public Safety. The officers can use automatic number plate recognition cameras to electronically record the speed of passing vehicles in work zones and issue tickets to the vehicles violating the speed limit regulations.

The bill passed the House as amended and with the title stricken by a vote of 90 to 3. It is headed to the Senate.

Red River Boundary Commission: HB 3587 by Rep. Dustin Roberts (R-Durant) and Sen. David Bullard (R-Durant) is new law recreating the Red River Boundary Commission which will confer and act in conjunction with representatives appointed on behalf of the State of Texas. The purpose of the Commission is to determine the location of the south bank of the Red River as marked by the U.S. Army Corps of Engineers before the beginning of construction of Lake Texoma. The boundary between the states will be redrawn on any real property for which the Corps granted an easement for the construction, operation and maintenance of a water pipeline and related facilities.

The bill passed the House with the title stricken by a vote of 89 to 0. It is headed to the Senate.

CLEET/Training: HB 3640 by Rep. Cyndi Munson (D-OKC) and Sen. Darrell Weaver (R-Moore) authorizes CLEET to offer training to officers on how to alert a school about the presence of a minor child or an 18 year old who is enrolled in high school if that child has been identified at the scene of a traumatic event.

The bill passed the House by a vote of 88 to 2. It is headed to the Senate.

Broadband: HB 3729 Rep. Logan Phillips (R-Mounds) and Sen. John Montgomery (R-Lawton) amends the definition of "high speed Internet access service" or "broadband service" in the Oklahoma Telecommunications Act of 1997. The amendment requires a constant download speed of twenty-five megabits per second (25 Mbps) and in excess of or a constant upload speed of three megabits per second (3 Mbps). Current law is "one hundred fifty (150) kilobits per second."

The bill passed the House by a vote of 93 to 0. It is headed to the Senate.

Towing: HB 3767 by Rep. Ronny Johns (R-Ada) and Sen. Rob Standridge (R-Norman) amends 47 O.S. Section 955 enlarging who can cause a vehicle to be towed. Added is "any authorized agent of any political subdivision's transportation agency." Also added is an additional situation when towing may be ordered. This impacts a vehicle left unattended.

The bill passed the House by a vote 95 to 1. It is headed to the Senate.

Workers' Compensation/Failure to Report: HB 3841 by Stan May (R-Broken Arrow) and Sen. Brent Howard (R-Altus) amends 85A O.S. Section 6 by

creating a felony if a person while receiving TTD fails to report a material change in income.

The bill passed the House by a vote of 97 to 0. It is headed to the Senate.

Taxation/Resale of Property: HB 3857 by Rep. Ty Burns (R-Morrison) and Sen. Tom Dugger (R-Stillwater) amends 68 O.S. Section 3131 regarding the resale of property by the county treasurer. Added to taxes, assessments and penalties that are cancelled by the sale is such claims which the state, municipality or both may have had on the real estate for taxes or other liens or encumbrances. This happens with respect to any deed conveying title to the board of county commissioners where the property was bid off in the name of the county.

The bill passed the House by a vote of 87 to 0. It is headed to the Senate.

Competitive Bidding/Bid Limit: HB 3879 by Rep. Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah) amends 61 O.S. Section 102 by increasing the bid limit of a public construction contract from $50,000 to $100,000. In addition, a "construction management trade contract or subcontract" definition is added to mean a public construction contract exceeding $50,000, that is awarded as a trade contract in an agency construction management contract or as a subcontract in an at-risk construction management contract. Other sections of Title 61 are amended to reflect these changes. In addition, 61 O.S. Section 103 (D) is amended by increasing from $5,000 to $10,000 the construction contract that may be negotiated with a qualified contractor. Changes in dollar amounts are also made to contactors affiliated with a purchasing cooperative. Emergency contracts in 61 O.S. Section 130 are amended by increasing the dollar amounts from $75,000 to $150,000.

The bill passed the House with the title stricken by a vote of 90 to 0. It is headed to the Senate.

Sales Tax Exemption/Refund: HB 3924 by Rep. Kevin Wallace (R-Wellston) and Sen. Stephanie Bice (R-OKC) amends a number of taxation statutes. Included is an amendment to 68 O.S. Section 1361.2 regarding refund of sales tax erroneously paid. The refund may only be made where the vendor refuses to honor the proof of eligibility for the sales tax exemption authorized by paragraph 34 of 68 O.S. Section 1357. Also, the person eligible for the exemption must submit to the Tax Commission a signed notification of the vendor's denial of exemption.

The bill passed the House with the title stricken by a vote of 90 to 0. It is headed to the Senate.

Municipal Operations/Changing Station Act: HB 3952 Rep. Mickey Dollens (D-OKC) and Sen. Michael Brooks (D-OKC) is new law creating the Oklahoma Universal Changing Stations Act impacting public buildings or facilities. The "Universal Changing Station" is defined as an adult changing table placed within an enclosed restroom facility, that is for use by babies, older children, the elderly and adults with disabilities or special health care needs. It is required for all new construction of a public building or facility commenced after January 1, 2021 and all renovations requiring a permit or in excess of $10,000 of an existing public building or facility commenced after January 2, 2021.

The bill passed the House with the title stricken by a vote of 74 to 16. It is headed to the Senate.

Marijuana/Location: HB 3954 by Rep. Scott Fetgatter (R-Okmulgee) and Sen. Michael Brooks (D-OKC) amends various sections impacting medical marijuana. Included is how to measure distance between a retail marijuana establishment and a public or private school entrance. The bill provides that the distance is measured from the nearest property line of the public or private school to the front entrance of the retail marijuana establishment. The bill also states that a medical marijuana businesses that has submitted a certificate of compliance with the municipal government in which it resides to the OMMA does not need any additional certificates of compliance for license renewal unless there is a change to the facility that requires additional inspection, licensure, or permits. Removed is the prohibition that an officer or employee of a municipality cannot be issued a medical marijuana business license. The prohibition on a police officer is still in the bill. There are changes to packaging requirements and allowing non-residents to hold a valid marijuana license under conditions in this bill. The bill also states that a medical marijuana businesses that has submitted a certificate of compliance with the municipal government in which it resides to the OMMA does not need any additional certificates of compliance for license renewal unless there is a change to the facility that requires additional inspection, licensure, or permits.

The bill passed the House with the title stricken by a vote of 80 to 13. It is headed to the Senate.

Tort Claims/Increased Liability: HB 3992 by Rep. Harold Wright (R-Weatherford) and Sen. Kim David

(R-Porter) amends the Governmental Tort Claims Act by increasing each liability dollar amount for the state and its subdivisions. The liability changes, as they appear in 51 O.S. Section 154, are increased from $25,000 to $40,000, from $125,000 to $200,000, from $175,000 to $275,000, from $200,000 to $300,000, from $200,000 to $300,000, from $1 million to $1.5 million.

The bill passed the House by a vote of 93 to 5. It is headed to the Senate.

Rural Broadband: HB 4018 by Speaker Charles McCall (R-Atoka) and Sen. James Leewright (R-Bristow) creates the Oklahoma Rural Broadband Expansion Act creating the Rural Broadband Expansion Council. The council is to study rural broadband access, costs, likelihood of changes, needed policy changes possible incentives, funding, state or local regulatory policies and the like. The Council has a right to information from state agencies as well as political subdivisions and public trusts. The bill was amended on the House floor to designate one of the members of the Council to be "one of whom shall be a government official who has knowledge of and experience with the technology assets and operations of the Oklahoma Department of Transportation, OneNet and the Oklahoma Office of Management and Enterprise Services and who is not and has not been previously employed by OneNet, a mayor of a municipality having a population of less than twenty five thousand (25,000) persons according to the latest federal Decennial Census or most recent population estimate and which is not part of either the Oklahoma City or Tulsa Metropolitan Statistical Area, and a representative of a wireless telecommunications provider with operations in Oklahoma and at least twenty-four (24) other states."

The bill passed the House by a vote of 94 to 2. It is headed to the Senate.

Mental Health Consolidation: HB 4064 by Speaker Charles McCall (R-Atoka) consolidates the Department of Mental Health and Substance Abuse Services under the Oklahoma Health Care Authority by June 30, 2020.

The bill passed the House with the title stricken and emergency clause removed by a vote of 61 to 28. It is headed to the Senate.

Corporation Commission Rules: SB 521 by Sen. Mark Allen (R-Spiro) and Rep. Jim Olsen (R-Roland) prohibits Corporation Commission rules from being more stringent than any EPA standards or regulations.

The bill passed the Senate with the title stricken by a vote of 37 to 8. It is headed to the House.

All-Terrain Vehicles: SB 643 by Sen. Joseph Silk (R-Broken Bow) and Rep. Justin Humphrey (R-Lane) provides all-terrain vehicles may operate in a street or highway ditch if the vehicle is operated as close as possible to the outer edge of the street or highway right-of-way. However, no person may operate an all-terrain vehicle in a highway ditch along the interstate highway system.

The bill passed the Senate by a vote of 43 to 4. It is headed to the House.

Sales Tax Exemption/Philanthropic Program: SB 1116 by Sen. Rob Standridge (R-Norman) and Rep. Jacob Rosencrats (D-Norman) creates a new sales tax exemption for sales of clothing to an organization that distributes clothing to disadvantaged children via Operation School Bell.

The bill passed the Senate by a vote of 45 to 0. It is headed to the House.

EMS/Athletic Events: SB 1198 by Sen. Rob Standridge (R-Norman) and Rep. Sherrie Conley (R-Newcastle) is new law requiring school districts to coordinate with emergency medical services providers to develop plans for athletic events or activities held at school district facilities.

The bill passed the Senate by a vote of 43 to 0. It is headed to the House.

Marijuana/Locations: SB 1245 by Sen. Dave Rader (R-Tulsa) and Rep. Carol Bush (R-Tulsa) adds childcare facilities to the prohibition for a retail marijuana establishment location within 1,000 feet of the "entrance of a public" or private school. Any establishment licensed and operating on July 1, 2020, shall not be subject to the childcare requirement. Also, no establishment shall be in violation of this bill should a school or childcare facility located with the prohibited distance after July 1, 2020.

The bill passed the Senate by a vote of 35 to 12. It is headed to the House.

Law Enforcement/Traffic Quotas: SB 1264 by Sen. Nathan Dahm (R-Broken Arrow) and Rep. Justin Humphrey (R-Lane) is new law prohibiting a political subdivision from evaluating, promoting, compensating or disciplining 1). a peace officer for issuing a specific number of traffic citations, 2). a judge for collecting a certain dollar amount of money.

The bill passed the Senate by a vote of 35 to 11. It is headed to the House.

Workers' Compensation: SB 1326 by Sen. Julie Daniels (R-Bartlesville) and Rep. Jon Echols (R-OKC) amends the Administrative Workers' Compensation Act by changing the definition of "compensable injury" to include "the employer's knowledge that injury was substantially certain to result from the employer's conduct". Also, 85A O.S. Section 3 is amended requiring that every employer shall pay or provide benefits according to the Act for the "compensable" injury to or death of an employee. Current law is "accidental" injury to or death of an employee. In addition, workers' compensation as the exclusive remedy in 85A O.S. Section 5 is amended. In defining an "intentional tort" the amendment provides that "The employer's" knowledge that the injury was substantially certain to result from the employer's conduct shall not constitute an intentional tort "for the purposes of application of exclusive remedy under the Administrative Workers' Compensation Act. Removed from the current definition is "allegations or proof" and the requirement that the employee "shall plead facts that it is at least as likely as it is not that the employer acted with the purpose of injuring the employee".

The bill passed the Senate by a vote of 38 to 9. It is headed to the House.

CLEET/Crisis Intervention Training: SB 1353 by Sen. Adam Pugh (R-Edmond) and Rep. Ross Ford (R-Broken Arrow) requires law enforcement agencies, by November 1, 2023, to have 25% of all full-time peace officers certified by CLEET trained in crisis intervention training, as provided by the Department of Mental Health and Substance Abuse Services. Beginning January 1, 2021 reserve officers training must include 1 hour of crisis intervention training. By January 1, 2021 CLEET must include a minimum of 4 hours in crisis intervention training in the basic training course.

The bill passed the Senate by a vote of 46 to 0. It is headed to the House.

Workers' Compensation/Chiropractic Services: SB 1375 by Sen. Kim David (R-Porter) and Sen. Chris Kannady (R-OKC) amends the Workers' Compensation Act by adding "chiropractic" services to required treatment, including in certified workplace medical plans.

The bill passed the Senate by a vote of 43 to 0. It is headed to the House.

Court Costs & Fines: SB 1425 by Sen. Julie Daniels (R-Bartlesville) and Rep. Chris Kannady (R-OKC) amends 22 O.S. Section 983 regarding failure to pay court fines, costs, fees and assessments. This includes disclosures, court hearings with new standards, steps required before a sentence of incarceration for non-payment or adjustment if the defendant is found unable to pay and the like. Notwithstanding any other provision of the Oklahoma Statutes, costs, fees and assessments shall not be considered a penalty for the underlying offense. Any that are due may be collected in the same manner as a judgment in a civil action. No person shall be incarcerated for being in default of court-imposed costs, fees or assessments, unless held in contempt of court for willful refusal or neglect of payment.

The bill passed the Senate with the title restored by a vote of 41 to 2. It is headed to the House.

Law Enforcement/Impaired Driving: SB 1464 by Sen. Kim David (R-Porter) and Rep. Chris Kannady (R-OKC) impacts revoking drivers licenses in a number of ways. It makes changes to court and operational processes, ignition interlock devices, participation in the Impaired Driver Accountability Program, which licensed individuals are authorized to withdraw blood for concentration of alcohol or other intoxicating substances, collection requirements involving law enforcement officers, laboratory testing requirements and the like.

The bill passed the Senate by a vote of 43 to 1. It is headed to the House.

Unmanned Aircraft System: SB 1489 by Sen. Micheal Bergstrom (R-Adair) and Rep. Harold Wright (R-Weatherford) is new law creating crimes committed by use of unmanned aircrafts, including definitions, in disrupting operation of manned aircraft. Unlawful activity includes the attachment of a weapon, fishing or hunting, unlawful taking of wildlife and publishing or disseminating recorded images taken by non-law enforcement via infrared or other thermal imaging technology. No unmanned aircraft can be launched or recovered from any federal, state or private property without consent from property within one and a half miles of the centerline of a runway owned by the Department of Defense. Any municipality may adopt an ordinance to regulate the use of local government property for launch and recovery of unmanned aircraft. The bill contains penalty provisions and a number of exceptions.

The bill passed the Senate by a vote or 42 to 2. It is headed to the House.

Finance/Federal Funds: SB 1501 by Sen. Nathan Dahm (R-Broken Arrow) amends 62 O.S. Section 34.42.1 requiring political subdivisions to make an annual disclosure on its website of all federal funds under the entities' control and the programs for which the federal funds are use. The bill only applies to those political subdivisions that have a website.

The bill passed the Senate by a vote of 34-9. It is headed to the House.

Sale for Resale Permit: SB 1595 by Pro Tempore Greg Treat (R-OKC) and Speaker Charles McCall (R-Atoka) amends 68 O.S. Section 1364. It requires every person desiring to engage in a business within this state who is designated as a Group One or Group Three vendor to secure a sales tax permit annually. Current law requires securing a permit every three (3) years. A probationary permit can renew automatically for an additional "six (6)" months. Current law is "thirty (30)" months.

The bill passed the Senate by a vote of 47 to 0. It is headed to the House.

Police Pension: SB 1668 by Sen. Paul Rosino (R-OKC) and Rep. Mark Lepak (R-Claremore) amends the Police Pension's definition of "paid base salary" by deleting the current definition and substituting a new one. Included is all compensation including longevity, education allowances, elective salary reduction, severance pay as defined in the bill and the like.

The bill passed the Senate by a vote of 44 to 0. It is headed to the House.

Lenders/Preemption: SB 1682 by Sen. James Leewright (R-Bristow) and Rep. Marcus McEntire (R-Duncan) preempts the field on legislation on those businesses and occupations licensed, regulated and controlled under the Department of Consumer Credit that has the effect of regulating the interest rates or fees or through zoning or other measures, to unduly restrict the business location. The plaintiff has the right to injunctive relief.

The bill passed the Senate by a vote of 40 to 7. It is headed to the House.

Drug Testing/Volunteers: SB 1687 by Sen. Lonnie Paxton (R-Tuttle) and Rep. Jon Echols (R-OKC) amends the Standards for Workplace Drug and Alcohol Testing Act. The definition of "employer" is altered to include "volunteer opportunities in safety-sensitive positions" as defined by Section 427.8 of Title 63.

The bill passed the Senate by a vote of 44 to 1. It is headed to the House.

Residential Building Design/Preemption: SB 1713 by Sen. Kim David (R-Porter) and Rep. Ryan Martinez (R-Edmond) is new law prohibiting municipalities to regulate single-family residential building design elements unless a number of elements are followed as specified in the bill. There are elements to regulation as well as new definitions.

The bill passed the Senate with the title restored by a vote of 39 to 8. It is headed to the House.

Annexation/Road Maintenance & Funds: SB 1719 by Sen. Paul Scott (R-Duncan) and Rep. Cynthia Roe (R-Lindsay) is new law requiring a municipality utilizing strip annexation on a road to maintain the roadway as it will become a city street. In addition, if a municipality utilizes strip annexation via a roadway, and not on any adjacent territory, the municipality is prohibited from receiving any revenue due to the annexation.

The bill passed the Senate by a vote of 26 to 19. It is headed to the House.

OWRB/Permit Protests: SB 1742 by Sen. Kim David (R-Porter) and Rep. Harold Wright (R-Weatherford) makes several changes to water law including a procedure for filing a protest at OWRB of an application for a groundwater permit, procedure if a protest is not filed, and authorization for the Oklahoma Water Resources Board Executive Director to issue temporary and regular permits under certain circumstances specified in the bill.

The bill passed the Senate by a vote of 30 to 12. It is headed to the House.

Marijuana Revenue/School Building Funds: SB 1758 by Gary Stanislawski (R-Tulsa) and Rep. Zack Taylor (R-Seminole) amends 63 O.S. Section 426 by reallocating 75% of the marijuana 7% sales tax to the State Public Common School Building Equalization Fund.

The bill passed the Senate with the title restored by a vote of 27 to 16. It is headed to the House.

Mobile Food Vendor Act: SB 1793 by Sen. Nathan Dahm (R-Broken Arrow) and Rep. Toni Hasenbeck (R-Elgin) is comprehensive new law creating the Mobile Food Vender Act. It provides that no local authority may prohibit a mobile food vendor from

lawfully operating if the vendor holds a license issued by the State Department of Health and is in compliance with all other state laws and local laws not in conflict with this act. In another section of the bill it provides that the act preempts local authorities from prohibiting mobile food vending and regulating mobile food vending in a way that conflicts with the provisions of the act.

The bill passed the Senate by a vote of 43 to 3. It is headed to the House.

Law Enforcement/P25 Compliant: SB 1813 by Sen. Gary Stanislawski (R-Tulsa) and Rep. Avery Frix (R-Muskogee) amends 62 O.S. Section 35.6.2 impacting public safety radio networks. Effective January 1, 2021, any new public safety radio network purchased by any law enforcement agency in this state including, but not limited to, municipalities and sheriff offices, emergency services, first responders and statewide transportation departments shall be P25 compliant.

The bill passed the Senate by 29 to 18. It is headed to the House.

Workers' Compensation: SB 1818 by Sen. Julie Daniels (R-Bartlesville) and Rep. Terry O'Donnell (R-Catoosa) amends the Workers' Compensation Act by redefining "compensable injury" by adding language on cumulative trauma and adding a new definition for "idiopathic". The exclusive remedy language is amended to read: it shall not apply if the injury was caused by an intentional "act" committed by the employer. In addition, changes are made to permanent partial disability awards and final orders for permanent disability.

The bill passed the Senate by a vote of 36 to 9. It is headed to the House.

9-1-1 Management Authority: SB 1845 by Sen. Darrell Weaver (R-Moore) and Rep. Johnny Tadlock (R-Idabel) amends 63 O.S. Sections 2802, 2805-2807 of the Oklahoma Emergency Telephone Act and the duties of the Oklahoma 9-1-1 Management Authority in 63 O.S. Section 2864. The bill requires training for 9-1-1 call takers on High-Quality Telecommunicator Cardiopulmonary Resuscitation (TCPR) for acute events requiring CPR. The TCPR training shall follow evidence-based, nationally recognized guidelines which incorporates recognition protocols for out-of-hospital cardiac arrest and continuous education. The bill repeals 63 O.S. Section 2818.4 and 63 O.S. Section 2820.

The bill passed the Senate by a vote of 45 to 0. It is headed to the House.

Occupational Licensing: SB 1891 by Sen. Adam Pugh (R-Edmond) and Rep. Kevin Wallace (R-Wellston) is new law creating the Universal Occupational License Recognition Act. The bill requires a person be able to obtain an occupational license who has established residency or is married to an active duty member of the armed forces and who is accompanying the member to an official permanent change of station to a military installation. There are detailed requirements that must be met and exceptions. In addition, an occupational license shall be issued to a person based on work experience in another state if detailed requirements are met. All licenses must be reviewed not less than once every four (4) years and the least restrictive regulations must be used to protect consumers.

The bill passed the Senate with the title restored by a vote of 36 to 9. It is headed to the House.

Unmanned Aircraft Systems: SB 1896 by Sen. Micheal Bergstrom (R-Adair) and Rep. Harold Wright (R-Weatherford) is new law creating the Unmanned Aircraft Systems Development Act of 2020 with the intention to ensure that drones are used in a safe and lawful manner and that concerns over privacy is addressed. The bill amends current law with new definitions of "manned aircraft" and model aircraft". There are additional duties for the Aeronautics Commission for training and a prohibition on use by the state or a political subdivision until the tests have been implemented. There are requirements for commercial use, duties for the Commission to develop and program compliant with federal regulations. There are a number of prohibitions on use of the drones as well as exceptions.

The bill passed the Senate with the title restored by a vote of 43 to 1. It is headed to 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.

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.