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April 12, 2019

In This Issue:

Deadline Week Proves Positive for OML Priority Bills	1
Governor Signs Bill Impacting Golf Course Beverage Sales	1
Action Alerts Expected	1
Bills on the Move	2
Bills Move to the Governor's Desk	9

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DEADLINE WEEK PROVES POSITIVE FOR OML PRIORITY BILLS

This week marked the deadline for bills to be heard in a committee in the opposite chamber of origin. OML's four priority bills made it easily through committee this week, with three of the four receiving unanimous support:

SB 400 by Sen. Paxton (R - Tuttle) and Rep. Lepak (R - Claremore) - Municipal road maintenance and repairs with county population under 150,000 - passed the House County & Municipal Government Committee on Wednesday 11 - 0.

SB 824 by Sen. David (R - Porter) and Rep. Frix (R - Muskogee) - Economic impact study of highway bypasses - passed the House Appropriations & Budget Committee on Wednesday 28 - 2.

SB 881 by Sen. Paxton (R - Tuttle) and Rep. Boles (R - Marlow) - Certificates of Convenience and Necessity notification process - passed the House Energy & Natural Resources Committee on Tuesday 16 - 0.

SB 1030 by Sen. Paxton (R - Tuttle) and Rep. Bush (R - Tulsa) - Municipal fixes to medical marijuana - passed the House Rules Committee on Thursday 8 - 0.

The deadline for bills to be heard in the opposite chamber of origin is April 25.

GOVERNOR SIGNS BILL IMPACTING GOLF COURSE BEVERAGE SALES

This week, Governor Stitt signed **SB 728** by Sen. Leewright (R - Bristow) and Rep. Hilbert (R - Depew) which creates a golf complex beverage license authorizing the holder to sell or serve beer and wine in sealed containers of any size for establishments that are also the holder of a mixed beverage license. The bill requires consumption of alcohol to be on the premises of the golf complex pro shop, and the holder to purchase alcoholic beverages from licensed wine wholesalers or beer distributors. This bill took effect immediately upon receiving the Governor's signature on Wednesday, April 10.

SEVERAL ACTION ALERTS EXPECTED

Along with OML's priority bills waiting to be heard on the floor in the opposite chamber of origin, there are multiple preemption bills still in legislative play. Over the next two weeks, please watch your email closely for Action Alerts. It is possible you will receive multiple Action Alerts in a single day for different bills. Thank you in advance for taking the time to contact your legislators on these important municipal issues.

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

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

The bill is waiting to be heard on the Senate floor.

Marijuana/Smoking in Public Places Act: [HB 1389](#) by Rep. Tammy Townley (R-Ardmore) and Sen. J.J. Dossett (D-Sperry) amends the Smoking in Public Places and Indoor Workplaces Act by adding the possession of tobacco “or lighted marijuana” in any form “or the use of marijuana or non-marijuana vapor products” to 21 O.S. Section 1247. Also added is the term “vapor-product-free”. 63 O.S. Section 1-1522 is amended by adding definitions for these terms as well as “vaping” and “vapor product”. These terms as also added to 63 O.S. Sections 1523 and 1-1525. The bill contains details.

The bill is waiting to be heard on the Senate floor.

Hospital/Districts: [HB 1750](#) by Speaker Charles McCall (R-Atoka) and Sen. Roger Thompson (R-Okemah) 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 which is part of a Local Hospital and Health Care District or which is contiguous to at least one county that has formed a District. The bill contains extensive details on governance, funding and the like.

The bill was referred to the Senate Appropriations Committee but failed the deadline to be heard.

Marijuana/Licensing: [HB 1932](#) by Rep. Robert Manger (R-OKC) and Sen. Wayne Shaw (R-Grove) makes changes to persons with state-issued medical marijuana licenses by adding grams to the amount legally possessed and alterations to the duty of the Department of Health as to the authenticity of licenses.

This bill is waiting to be heard on the Senate floor.

Law Enforcement/Telecommunication System: [HB 2037](#) by Rep. Dean Davis (R-Broken Arrow) and Sen.

Dave Rader (R-Tulsa) amends the Oklahoma Law Enforcement Telecommunication System (OLETS) by authorizing a county sheriff who offers hosting services of end users that allows connection to OLETS to charge a fee. The fee is for the itemized actual costs of specific items including providing personnel, reoccurring user fees, hardware and accessories, installation, maintenance and the like. The terms and itemized costs shall be provided in an inter-local agreement. There are filing requirements and fees. The bill contains details.

The bill is waiting to be heard on the Senate floor.

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

The bill is waiting to be heard on the Senate floor.

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

The bill was referred to the House Judiciary Committee but failed the deadline to be heard.

Pension/COLA: [HB 2304](#) by Rep. Avery Frix (R-Muskogee) and Sen. Dewayne Pemberton (R-Muskogee) amends the Oklahoma Pension Legislation Actuarial Analysis Act by amending the definition of the 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.

The bill was referred to Actuary.

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.

The bill is waiting to be heard on the Senate floor.

Workers' Compensation/Comprehensive: [HB 2367](#) by Rep. Chris Kannady (R-OKC) and Sen. Julie Daniels (R-Bartlesville) contains over 165 pages altering a number of sections of the Workers Compensation Act. Among the many changes is the definition of a compensable injury which adds mental injury, as limited by Section 13 of this title and an injury of which the major cause is either an accident, cumulative trauma or occupational disease. Causation in current law is caused solely as the result of an accident, cumulative trauma or occupational disease. Finally, compensable injury is altered by removing subparagraph c which provides that the definition of compensable injury shall not be construed to limit or abrogate the right to recover for mental injuries as described in Section 13, heart or lung injury or illness as described in Section 14, or occupational diseases as described in Section 65 of Title 85A. Also, no wages paid in excess of the statutory temporary disability maximum, pursuant to a collective bargaining agreement, shall be deducted from any benefit otherwise available under this title. Several statutes that are repealed. The bill contains extensive details.

The bill is waiting to be heard on the Senate floor.

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

The bill is waiting to be heard on the Senate floor.

Funding/Aggregate Materials: [HB 1404](#) by Rep. Justin Humphrey (R-Lane) and Sen. David Bullard (R-Durant) is new law authorizing counties to levy a tax upon severance of rock, gravel, granite, sand, limestone or other natural materials mined for producing aggregate. Proceeds of the severance tax shall be used for any roads and bridges. All materials sold to a tax-exempt entity where no sales tax is collected shall be subject to the

severance tax. If the mining or extracting of aggregates takes place within the corporate limits of a municipality, 50% of the revenue shall be apportioned to the municipality and 50% to the county. The bill contains details.

The bill was referred to the Senate Finance Committee but failed the deadline to be heard.

Sales Tax Exemption/Nonprofits: [HB 2530](#) by Rep. Meloyde Blancett (D-Tulsa) and Sen. Roger Thompson (R-Okemah) creates a new sales tax exemption for a tax exempt organization whose primary purpose is to provide community access to advanced 21st century manufacturing and digital fabrication tools. The bill contains details.

The bill is waiting to be heard on the Senate floor.

Cervidae Facility/Regulation: [SB 551](#) by Sen. Casey Murdock (R-Felt) and Rep. John Pfeiffer (R-Mulhall) amends 2 O.S. Section 6-505 regarding Oklahoma Department of Agriculture rules regarding the application and licensing process, fees and regulation of farmed cervidae facilities. New law states any regulation relating to the import of nonnative cervidae by local government, authority or state agency or office shall be consistent with corresponding federal regulations.

The bill is waiting to be heard on the House floor.

Marijuana/Packaging: [SB 756](#) by Sen. Greg McCortney (R-Ada) and Rep. Jon Echols (R-OKC) is new law establishing criteria for the packaging and labeling of all medical marijuana and medical marijuana products. It shall be child resistant and not bear a reasonable resemblance to any commercially available product. It must minimize appeal to children by not depicting shapes, text or designed appealing to children including, but not limited to, cartoons and the like. The packages shall be plain, opaque, designed to maximize shelf life, tamper-evident, child proof, protected from contamination and not impart any toxic or deleterious substance. The bill contains details.

The bill was laid over in the House Rules Committee and failed the deadline to be heard.

Marijuana/Smoking in Public Places: [SB 765](#) by Sen. Greg McCortney (R-Ada) and Rep. Jon Echols (R-OKC) amends 21 O.S. Section 1247 by adding marijuana to prohibitions in smoking in public places. This includes within 25 feet of the entrance or exit of buildings and other properties owned or operated by county or municipal government. Marijuana is also added to the

Smoking in Public Places and Indoor Workplaces Act in 63 O.S. Sections 1-1523 and 1-525.

The bill is waiting to be heard on the House floor.

Marijuana/Discrimination: [SB 1030](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Carol Bush (R-Tulsa) amends medical marijuana in a variety of ways. This includes changes to the Uniform Controlled Dangerous Substances Act, municipalities restricting smoking or vaping marijuana in a public place, clarification of planning and zoning authority, medical marijuana taxation and penalty provisions. Licensure revocation hearings shall be recorded and the Department of Health must assist law enforcement, various applicants must submit a certificate of compliance from the political subdivision. The bill contains details.

The bill is waiting to be heard on the House floor.

Airport/Contracts: [HB 2518](#) by Rep. Tammy West (R-Bethany) and Sen. Paul Rosino (R-OKC) amends 3 O.S. Section 65.5 impacting airports, air navigation facilities or aircraft maintenance or manufacturing facilities owned, leased or controlled by a municipality. Current law's term of 40 years for contracts, leases and other arrangements for a primary term is increased to 50 years.

The bill is waiting to be heard on the Senate floor.

Excavation/Certificate of Convenience: [SB 881](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Brad Boles (R-Marlow) amends 17 O.S. Sections 131 and 132 impacting Corporation Commission issuance of a Certificate of Convenience and Necessity for each provider of telecommunications service. Actual notice by mail or personal service must be made to all political subdivisions with jurisdictional boundaries that include all or portions of the service area outlined in the application for Certificate of Convenience and Necessity.

The bill is waiting to be heard on the House floor.

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

The bill is waiting to be heard on the House floor.

Alcoholic Beverages/Golf Courses: [SB 113](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Marcus McEntire (R-Duncan) amends 37A O.S. Section 6-108 (4) regarding

sales of alcoholic beverages by a holder of a Retail Wine License or a Retail Beer License. Beer and wine may be sold on credit when the license holder is a private membership club, marina, golf course or country club that normally charges food, drinks and other purchases to the member's monthly dues account in the regular course of business in lieu of actual cash payment at the time of purchase.

The bill is waiting to be heard on the House floor.

Employment/Unemployment Compensation: [SB 335](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Ryan Martinez (R-Edmond) makes numerous amendments to the Oklahoma Employment Security Commission impacting wages, supplemental unemployment benefit plan, claims, reemployment services, appeals, technology fund and the like. Also, 40 O.S. Section 4-314 is repealed.

The bill is waiting to be heard on the House floor.

Transportation/Contract Preference: [SB 376](#) by Sen. Robert Standridge (R-Norman) and Rep. Avery Frix (R-Muskogee) creates the Oklahoma First Act impacting all contracts for construction work upon the state highway system. In awarding a transportation project adjusted score design-build contract, greater value is assigned to a proposal in proportion to the extent it commits to using Oklahoma-owned businesses. There is an exception to prevent denial of federal monies or to eliminate inconsistency with federal law.

The bill is waiting to be heard on the House floor.

Roofing Contractor Act/Subcontractor: [SB 743](#) by Sen. Adam Pugh (R-Edmond) and Rep. Ryan Martinez (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 is waiting to be heard on the House floor.

Bidding/Preference: [SB 762](#) by Sen. Roland Pederson (R-Burlington) and Rep. Kevin West (R-Moore) amends bidding at 60 O.S. Section 176 and 61 O.S. Section 103 by providing that construction contracts may provide for a local bid preference of not more than 5% if the awarding public agency determines there is an economic benefit to the local area or economy. No preference shall be granted unless the local bidding entity is the second lowest qualified bid. The local bidder or contractor must agree to perform the contract for the same price and terms as the bid proposed by the nonlocal bidder or contractor. The bill contains details.

The bill is waiting to be heard on the House floor.

Health Insurance/Prescription Access: [SB 841](#) by Sen. Greg McCortney (R-Ada) and Rep. Marcus McEntire (R-Duncan) is new law creating the Prescription Access and Affordability Act to establish minimum and uniform access standards and prohibitions on restriction of the right of a patient to choose a pharmacy provider. The focus is on retail pharmacy networks including coverage percentage requirements for retail pharmacy designated as a preferred participating pharmacy, regulation of pharmacy benefits managers including prohibitions on contracts, with job duties for health insurers and the Oklahoma Insurance Department. The bill provides details.

The bill was laid over in the House Business and Commerce Committee and failed the deadline to be heard.

Water/Instream Flow: [HB 1403](#) by Rep. Justin Humphrey (R-Lane) and Sen. David Bullard (R-Durant) 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.

The bill is waiting to be heard on the Senate floor.

Water/McClellan-Kerr River Navigation System: [HB 2142](#) by Rep. Chris Sneed (R-Fort Gibson) and Sen. Kim David (R-Porter) creates the Tri-State Commission on the McClellan-Kerr Arkansas River Navigation System (MKARNS). Kansas and Arkansas are anticipated to enact legislation as well. Members of the Commission are a specified number of legislators within the territory of MKARNS and a member of the Water Advisory Board of the Oklahoma Department of Transportation. The duties of the Commission are varied.

The bill is waiting to be heard on the Senate floor.

Health Insurance/Prescription Access: [HB 2632](#) by Rep. Jon Echols (R-OKC) and Sen. Greg McCortney (R-Ada) is new law creating the Patient's Right to Pharmacy Choice Act to establish minimum and uniform access to a provider and standards and prohibitions on restrictions of a patient's right to choose a pharmacy provider. The focus is on retail pharmacy networks including coverage percentage requirements for retail pharmacy designated as a preferred participating pharmacy, regulation of pharmacy benefits managers including prohibitions on contracts, with job duties for health insurers and the Oklahoma Insurance Department. The bill provides details.

The bill is waiting to be heard on the Senate floor.

Fire Protection District/Territory: [SB 164](#) by Sen. Roland Pederson (R-Burlington) and Rep. Garry Mize (R-Edmond) amends various sections of Title 19 fire protection districts. Changes include authorization to increase membership if its board of directors, detailed requirements for a fire chief who shall direct and control the department and criteria is established for company officers, territory adjacent to the existing district but within another county may be included under procedures required in the bill, requirements are placed on a municipality which annexes part or all of the district including standards for fire protection, debt assumption, acquiring district assets and contracting for fire protection. The bill provides details.

The bill is waiting to be heard on the House floor.

Transportation/Funding: [SB 400](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Mark Lepak (R-Claremore) amends 11 O.S. Section 36-113 by expanding transportation funding in municipalities. It removes current law's limitation for eligibility from greater than 5,000 population but less than 15,000 population and substitutes 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 amendment adopted, the bill passed the House County & Municipal Government Committee by a unanimous vote.

Sales Tax Exemption/Disabled Veterans: [SB 310](#) by Sen. Frank Simpson (R-Ardmore) and Rep. Nicole Miller (R-Edmond) 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.

The bill is waiting to be heard on the House floor.

Gross Production Tax/Appportionment: [SB 427](#) by Sen. Stephanie Bice (R-OKC) and Rep. Scott Fetgatter (R-Okmulgee) makes various changes to the apportionment of gross production tax. Alterations are made to property exempt from ad valorem taxation via 68 O.S. Section 1001 subsections G and H. Current law is subsections S and T. Certain monies allocated via 68 O.S. Section 1004 are changed from current law's levy in Section 1000. Included is funding for transportation, Community Water Infrastructure Development, OWRB Rural Economic

Action Plan Water Projects Fund and the like. The bill contains details.

The bill is waiting to be heard on the House floor.

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 districts creation is altered from current laws prior to December 31, 2018 to prior to December 31, 2028. Current law requires the investments or improvements to begin no later than December 31, 2019. This date is changed to not later than December 31, 2029. 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.

The bill is waiting to be heard on the House floor.

Taxation/OTC: [SB 511](#) by Sen. Stephanie Bice (R-OKC) and Rep. Scott Fetgatter (R-Okmulgee) 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 the OTC of a settlement or court action affecting the ownership or right of possession of intangible personal property to determine the Commissions lien. Regarding taxes collected via a debt collection agency remitting to OTC is changed from 5 days in current law to a reasonable period of time. Remission by electric funds transfer and electronic data interchange program is also altered for persons owing \$2,500 or more per month in total sales tax in the immediately preceding twelve-month period.

The bill is waiting to be heard on the House floor.

Rights-of-Way/Bypassing Municipalities: [SB 824](#) by Sen. Kim David (R-Porter) and Rep. Avery Frix (R-Muskogee) 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 study 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 is waiting to be heard on the House floor.

Pension/COLA: [HB 2304](#) by Rep. Avery Frix (R-Muskogee) and Sen. Dewayne Pemberton (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.

The bill was referred to Actuary.

Law Enforcement/Uniformed Controlled Dangerous Substances: [SB 421](#) by Sen. Stephanie Bice (R-OKC) and Rep. Garry Mize (R-Edmond) amends the Uniform Controlled Dangerous Substances Act in a variety of ways. Included is synthetic substances, transportation of substances with an exception for marijuana, providing quantities for certain substances and penalty changes with exceptions/inclusions for marijuana of various quantities. The bill provides details.

The bill was laid over in the House Public Safety Committee and failed the deadline to be heard.

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

The bill is waiting to be heard on the House floor.

Marijuana/Discrimination: [SB 305](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Tammy West (R-Bethany) makes a variety of changes to marijuana discrimination provisions. Included are exceptions for employment discrimination including safety-sensitive job duties, no

requirement that an employer permit or accommodate use of medical marijuana on the property or premises of any place of employment or during hours of employment, no medical assistance program, or requirement for the employer or health insurance, workers compensation benefits and the like to reimburse costs for the medical marijuana or prevent an employer from written policies regarding drug testing and impairment in accordance of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act (Act). Provision is also made for applicants or an employee aggrieved by a willful violation to have an exclusive remedy as provided in the Act. The bill contains definitions and details.

The bill was laid over in the House Rules Committee and failed the deadline to be heard.

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

The bill's committee substitute passed the House Rules Committee by a unanimous vote.

Small Lenders/Preemption: [SB 720](#) by Sen. James Leewright (R-Bristow) and Rep. Chris Kannady (R-OKC) is over 35 pages of new law regulating small lenders in a myriad of ways. Included is the prohibition on local government units, including, cities, towns and counties from having the authority to regulate small loans. In addition, an administrative process is initiated with the Department of Consumer Credit if revocation or

suspension proceedings are instituted against a licensee by any state or governmental authority or the denial of the opportunity to engage in the business of making loans by any state or governmental authority.

The bill has been Enrolled and is now waiting to be sent to the Governor's desk.

Residential Housing/Regulation Prohibition: [HB 1032](#) by Rep. Ryan Martinez (R-Edmond) and Sen. Joe Newhouse (R-Broken Arrow) 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 is waiting to be heard on the Senate floor.

Bidding/Retainage: [HB 1114](#) by Rep. Kevin West (R-Moore) and Sen. Roland Pederson (R-Burlington) amends the Public Competitive Bidding Act in a variety of ways. Included are amendments to 61 O.S. Section 1 which increases the application of the statute regarding contracts from \$50,000 to \$100,000. Prior to an award of a contract exceeding \$100,000 for construction or repair of a public or private building, structure or improvement on public real property, the person receiving the award must furnish a bond or irrevocable letter of credit. For contracts not exceeding \$100,000, in lieu of a bond or irrevocable letter of credit, the contractor shall submit an affidavit of payment of all indebtedness. 61 O.S. Section 113.1 is amended to provide a construction contract not subject to a bond in 61 O.S. Section 1, may include a provision for retainage. If a public construction contract is subject to a bond via 61 O.S. Section 1, no retainage shall be withheld from the entity posting the bond. This same language is added to 61 O.S. Section 226 in the Fair Pay for Construction Act. In addition, a subcontract shall include a provision for retainage based on a sliding scale of percentage of the work completed. The holder of the retainage shall be responsible for payment on all interest accrued.

The bill is waiting to be heard on the Senate floor.

Inspectors Act/Fines: [HB 1956](#) by Judd Strom (R-Copan) and Sen. Julie Daniels (R-Bartlesville) amends the Oklahoma Inspector Act in various ways including expanding investigation authority and requiring municipalities of more than 10,000 population to provide a list of all building and construction inspectors and update the list within 30 days of a change in personnel with new fines for violation. New fines are also proposed for inspectors without proper licenses.

The bill is waiting to be heard on the Senate floor.

Public Buildings/Public Subdivision Construction Management Act: [HB 2666](#) by Rep. Kevin Wallace (R-Wellston) and Sen. James Leewright (R-Bristow) amends various statutes including a repealer regarding construction management and creates new law creating the Public Construction Management Act for Political subdivisions. The bill requires all political subdivisions to extend consideration to construction managers from the file maintained by the Office of Management and Enterprise Services. Included are a number of requirements on evaluating the construction managers. In addition, public subdivisions are impacted by changes to 61 O.S. Sections 61, 62 and 201, 202 and 202.1. Impacted are construction managers and construction management including removal of current political subdivision exclusions, bonds, retainage and the like. 61 O.S. Section 220, as last amended by Section 18, Chapter 302, O.S.L. 2013 (61 O.S. Supp. 2018, Section 220) is repealed. The bill contains details.

The bill is waiting to be heard on the Senate floor.

Bills Move to the Governor's Desk

Law Enforcement/Dumping Trash: [HB 1110](#) by Rep. Kevin West (R-Moore) and Sen. Chris Kidd (R-Addington) amends 21 O.S. Section 1205 regarding throwing garbage, tin cans, junk rubbish or refuse and the like within 100 feet of "occupied dwelling of another" with an exception. The penalty in 21 O.S. Section 1206 for any person or any officer of any municipality violating any provisions of this act is increased from \$100 to not less than \$200 nor more than \$500. In addition, 21 O.S. Section 1761.1 regarding dumping garbage, trash, waste, rubbish, refuse, debris or other deleterious substances on any public property, "his or her own private property" in "violation of any county or state zoning or public health regulations" shall be guilty of a misdemeanor and fined. Current law does not contain the limiting language of violation of any county or state zoning or public health regulations. The penalty is increased from \$200 to not less than \$500 nor more than \$5,000.

The bill advanced off the Senate floor by a vote of 37-9.

CLEET/Certificate Reimbursement: [HB 1207](#) by Rep. Sherrie Conley (R-Newcastle) and Sen. Greg McCortney (R-Ada) impacts reimbursement to the original employing agency who paid "for CLEET training" and the salary of the person while completing the basic police course. If the person leaves within one year after "initial employment", in addition to the salary, reimbursement will also include the cost of CLEET training. In addition, if the person leaves the original employing agency later than 1 year, but less than 2 years, after initial employment, the second agency or the person receiving the training shall reimburse the original agency 50% of the cost of CLEET training and salary paid to the person while completing the basic police course by the original employing agency.

The bill advanced off the Senate floor unanimously.

Law Enforcement/Electric-Assisted Bicycle: [HB 1265](#) by Rep. Carol Bush (R-Tulsa) and Sen. Adam Pugh (R-Edmond) amends several sections of Title 47 and creates new law regarding electric-assisted bicycles. The bill contains details including definitions, different classes of bicycles, underage driving of these bicycles, provisions for operators "rights and privileges" including exemption from financial responsibility, insurance and the like. 47 O.S. Section 11-805.2 is repealed.

The bill advanced off the Senate floor by a vote of 44-1.

Law Enforcement/Missing Persons Duty: [HB 2640](#) by Rep. Rhonda Baker (R-Yukon) and Sen. Julie Daniels (R-Bartlesville) is new law creating Francine's Law requiring special duties from law enforcement. Law enforcement must enter the report of the missing person in any database of missing persons required by the agency and into NamUs, obtain biometric records and other specified means of identification. It is prohibited for a law enforcement agency to delay in taking a missing person report or establish any policy requiring a waiting period before investigating a missing child report. There are exceptions. CLEET shall establish law enforcement training for missing persons.

The bill advanced off the Senate floor unanimously.

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

The bill advanced off the House floor by a vote of 84-9.

Elected Officials/Moving Wards: [HB 1516](#) by Rep. Lundy Kiger (R-Poteau) and Sen. Chuck Hall (R-Perry) amends 11 O.S. Section 9-103 requires governing body members from wards to be actual residents of their respective wards "at the time of their respective candidacies and elections." Removal of a councilmember from a ward to another ward after his or her election, or a change in ward boundaries, shall not disqualify the councilmember from completing the term for which he or she was elected.

The bill advanced off the Senate floor by a vote of 36-8.

Inspectors Act/Report Writer: [HB 2088](#) by Rep. Scott Fetgatter (R-Okmulgee), Rep. Brian Hill (R-Mustang), and Sen. John Montgomery (R-Lawton) amends the Oklahoma Inspectors Act by changing the definition of "report writer". It currently means any person or agency designated by a political subdivision. The bill strikes the word "agency". It also removes the duty of the Construction Industry Board to establish by rule a method for prorating license fees. The expiration of licenses shall expire on the "last day in the" birth "month" of the licensee. Current law states on the licensee's birthdate. Population determination from the Oklahoma Employment Security Board for exemption from the Act is removed. The U.S. Census Bureau is substituted.

The bill advanced off the Senate floor unanimously.

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.