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NOTABLE BILLS SIGNED ON GOVERNOR'S 100TH DAY IN OFFICE

Tuesday, April 23 marked Governor Kevin Stitt's 100th day in office. Governor Stitt signed 20 pieces of legislation into law that day. Two of those bills have significant municipal impacts:

SB 881 by Sen. Lonnie Paxton, R-Tuttle, and Rep. Brad Boles, R-Marlow, requires notice by mail or personal service to all political subdivisions with jurisdictional boundaries that include all portions of a service area outlined in the application before commencing to provide local exchange telecommunications services in a new service area. This bill takes effect November 1. Both the Senate and House authors of this OML priority bill are former Oklahoma mayors.

SB 1001 by Sen. James Leewright, R-Bristow, and Rep. Dustin Roberts, R-Durant, prohibits political subdivisions from restricting, taxing, prohibiting or regulating the use, disposition or sale of auxiliary containers including plastic bags. Oklahoma now joins a dozen other states with plastic bag preemption being enacted.

HUNDREDS OF BILLS CLEAR FOURTH DEADLINE WEEK

The legislature hit its fourth deadline this week with more than 400 bills passing off the floor of the opposite chamber of origin. There were approximately 100 other bills that did not make it through this step in the legislative process this session. Two OML priority bills, which were amended in the House, are heading back to the Senate for approval:

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 on Thursday 77 - 19.

SB 1030 by Sen. Paxton (R - Tuttle) and Rep. Bush (R - Tulsa) - Municipal fixes to medical marijuana - passed the House on Thursday 84 - 10.

Bills on The Move

A Snapshot of Bills Impacting Cities and Towns

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

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

Marijuana/Discrimination: [SB 811](#) by Sen. Jason Smalley (R-Stroud) and Rep. Mark McBride (R-Moore) creates a new section of law not to be codified in the statutes. It provides that “the provisions of this act shall be implemented in accordance with and subject to the Oklahoma Medical Marijuana and Patient Protection Act”. The bill also excludes biomedical and clinical research subject to federal regulations from oversight by the State Department of Health.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

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 OTC of a settlement or court action affecting the ownership or right of possession of intangible personal property to determine the Commission’s lien. Regarding taxes collected via a debt collection agency remitting to 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”.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

Inspector Act/CIB: [SB 733](#) by Sen. Dave Rader (R-Tulsa) and Rep. Carol Bush (R-Tulsa) amends the Oklahoma Inspectors Act by deleting from the definition of “building and construction inspector” in current law which requires “managerial and superintending control over building codes as the code official” for the purpose of enforcing “and having the authority to enforce” compliance with applicable building codes. In addition, deletions are made from the definition of “inactive

building and construction inspector” by removing “who is currently not employed by a political subdivision” and the definition of “provisional license” by reducing the term from 2 years to 1 year, the definition of “report writer” by adding any person or agency “recognized” by a political subdivision having managerial control in lieu of current law’s “designated”. Finally, “authorized agent” is renamed “authorized provider” and is amended by deleting “through contract” and substituting “recognized” for current law’s “designated”. This language is also amended in 59 O.S. Section 1046 including changes directly impacting political subdivision. Applicant’s for certification and license are altered by removing “be employed by a political subdivision” and a provisional license is reduced from two (2) years to one (1) year. Language for renewal of a licensed building and construction inspector who is not employed at the time of renewal is removed. The bill contains extensive details.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

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

The bill was referred to Conference Committee.

Liens/Discharge: [SB 449](#) by Sen. Tom Dugger (R-Stillwater) and Rep. Keven West (R-Moore) alters mechanics’ and materialmen’s liens in 42 O.S. Section 147.1. It shortens from 10 years to 3 years, the time requirement for the county clerk to notify the lien claimant prior to the forfeiture to the county general fund of the cash deposit and all accrued interest.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

Taxation/Remote Sellers: [SB 513](#) by Sen. Stephanie Bice (R-OKC) and Rep. Chad Caldwell (R-Enid) amends sales and use tax remittance by remote sellers. Among the changes in current law is deletion of “remote sellers” leaving a “marketplace facilitator or a referrer” for those in 68 O.S. Section 1392(A)-(F) defined as sales worth at least \$10,000. In new Section G, a “remote seller” is redefined as aggregate sales or delivery to locations within the state worth at least \$100,000 during the

preceding or current calendar year shall collect and remit. Remote seller is also generally removed from Sections 1393-1396. When mentioned, reference is made to the new Section 1392(G). The bill provides details.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

Farmers Markets/Licenses: [SB 544](#) by Sen. Casey Murdock (R-Felt) and Rep. Carl Newton (R-Cherokee) amends 63 O.S. Section 1-1118 regarding licensing of food establishments by the State Commissioner of Health. It authorizes a three-day license for vendors who only sell at farmers' markets or county fairs. The license shall cost no more than \$50. The bill contains details.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

Law Enforcement/Mental Health Transportation: [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 by the law enforcement agency" within such municipality's jurisdiction. Initially contacted "shall include, but not be limited to, contact made by a law enforcement officer either in person or by electronic or telephone communication".

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

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. Local means within 200 miles of the job site, but not outside the State of Oklahoma. In 61 O.S. Section 103 this language applies to public construction contracts exceeding \$50,000" and applies to any public trust. The bill contains extensive details.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

Open Meeting/Public Notice: [SB 740](#) by Sen. Adam Pugh (R-Edmond) and Rep. Tammy West (R-Bethany) amends the public notice portion of the Open Meeting Act. 25 O.S. Section 311 is amended to correct a statutory

reference by inserting 74 O.S. Section 3106.2. This Section requires public bodies to make available on their website a schedule and information about the regularly scheduled meetings of the public bodies or their governing bodies.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

Bidding/Preference: [HB 1885](#) by Rep. Chelsey Branham (D-OKC) and Sen. James Leewright (R-Bristow) amends 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 trust governing body 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 local preference amendment to 61 O.S. Section 103 is the same except it applies to public construction contracts exceeding \$50,000. The bill contains details.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

Wind Turbine/Individual Structure Regulation: [HB 2118](#) This bill by Rep. Charles Ortega (R-Altus) and Sen. Gary Stanislawski (R-Tulsa) amends wind energy facilities by prohibiting individual wind turbines or any other individual structure requiring a Federal Aviation Administration (FAA) Form 7460-1 from encroaching on military installations as determined by the Military Aviation and Installation Assurance Siting Clearinghouse and the FAA. A valid Determination of No Hazard from the FAA and adverse impacts to the U.S. Department of Defense must be resolved. The bill contains exceptions, dispute resolution, required procedures and penalty provisions. The Corporation Commission and the Aeronautics Commission has duties. The bill contains extensive details.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

Taxation/Remote Sellers: [HB 2352](#) by Rep. Chad Caldwell (R-Enid) and Sen. Stephanie Bice (R-OKC) removes remote sellers from various sections of Title 68 regarding the collection of remote sellers and marketplace facilitators. Among the changes is new law for remote sellers with aggregate sales within this state or delivered to locations within this state worth at least \$100,000. The bill contains details.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

Law Enforcement/Mobile Phone: [HB 1044](#) by Rep. Ryan Martinez (R-Edmond) and Sen. Adam Pugh (R-Edmond) amends 47 O.S. Section 11-901c impacting operating a commercial motor vehicle or public transit while using electronic communication devices. An exception is made for using a hand-held mobile telephone by drivers of a commercial motor vehicle to and from a central dispatch school transportation department or its equivalent.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

Bidding/Retainage: [HB 1114](#) by Rep. Kevin West (R-Moore) and Sen. Roland Pederson (R-Burlington) amends 61 O.S. Section 226 authorizing the retainage not to exceed 5% to be reduced to 2.5% with respect to the balance of the work to be performed, once the contractor's work is at least 50% complete. A subcontract "shall" include retainage - current law is "may". The terms of the subcontract retainage are the same as above.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

Inspectors Act/Fines: [HB 1956](#) by Rep. 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.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

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.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

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.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

Water/OWRB: [HB 2474](#) by Speaker Charles McCall (R-Atoka) and Sen. Frank Simpson (R-Ardmore) amends 82 O.S. Section 1085.10 requiring the Oklahoma Water Resources Board to publish on a central disclosure website all applications for projects the Board receives. This is in addition to requirements for applicants to publish notice in the newspaper. In addition, the Board shall make rules that establish specific days or dates required for hearings and public comments. The bill contains details.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

Employment/Prohibition: [HB 1259](#) by Rep. Kyle Hilbert (R-Depew) and Sen. Lonnie Paxton (R-Tuttle) amends voting within an election enclosure and absentee by authorizing the voter to take a digital image or photograph of his/her marked ballot. It may be shared via social media or other means if performed voluntarily and in compliance with the law. If voting absentee, specific prohibitions are made regarding testimony. No employer, supervisor, or a person with authority or influence over another person shall require that person to distribute or share an image of the voted ballot. There is a penalty provision.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

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.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

Water/Tri-State Commission: [HB 2142](#) by Rep. Chris Sneed (R-Fort Gibson) and Sen. Kimberly 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.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

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.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

Workers' Compensation/Comprehensive: [HB 2367](#) by Rep. Chris Kannady (R-OKC) and Sen. Julie Daniels (R-Bartlesville) contains over 160 pages altering a number of sections of the Workers' Compensation Act. Among the many changes is the definition of a "compensable injury". 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 comprehensive details.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

Public Buildings/Public Subdivision Construction Management Act: [HB 2666](#) by Rep. Kevin Wallace (R-Wellston) and Sen. James Leewright (R-Bristow) makes extensive changes to political subdivision construction contracts. This includes amendments to various statutes, a repealer of current construction management standards and new law creating the Public Construction Management Act for Political Subdivisions. The bill adds public subdivisions to State Consultants in 61 O.S. Sections 61 and 62 by requiring 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 including a prohibition on discussing fees during the evaluation process. In addition, public subdivisions are impacted by changes the Public Facilities Act in 61 O.S.

Sections 201, 202 and 202.1. Impacted are construction managers and construction management including removal of current political subdivision exclusions, bonds, retainage and the like. The current political subdivision construction management provisions are repealed (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.

After advancing off the Senate floor, the bill is heading back to the House for approval of the amendments.

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.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

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.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

Firearms/Municipal Armed Security Guards: [SB 708](#) by Sen. Kim David (R-Porter) and Rep. Jon Echols (R-OKC) is new law authorizing municipalities via a majority vote of the governing body to designate personnel to attend armed security guard training program, or a reserve peace officer certification program, via CLEET. The bill contains details including immunity.

After advancing off the House floor, the bill is heading back to the Senate for approval of the amendments.

Bills Move to the Governor's Desk

Alcohol Beverages/Complimentary: [SB 813](#) by Sen. Stephanie Bice (R-OKC) and Rep. Marcus McEntire (R-Duncan) is new law authorizing a complimentary beverage license to provide free of charge for on premises consumption under requirements in the bill. The bill contains details.

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

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.

Enterprise Zone/Tax Credit: [SB 473](#) by Sen. Dave Rader (R-Tulsa) and Rep. Scott Fetgatter (R-Okmulgee) amends 62 O.S. Section 842 impacting income tax credits and changing the qualifying dates for an incentive or increment district. In addition, an enterprise engaged in a retail activity loses current law's "income tax credit" authorized by the Local Development and Enterprise Zone Incentive Leverage Act. The maximum amount of state local enterprise matching payments is also altered. The dates for a qualifying incentive district or increment district's creation is altered from current law's 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.

Law Enforcement/Eyewitness Procedures: [SB 798](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Chris Kannady (R-OKC) is new law requiring all law enforcement agencies that conduct eyewitness identification procedures to adopt a detailed, written policy that includes a number of requirements including photo arrays and live lineups, eyewitness notification, selection of fillers, requirements after an identification is made, protocols for use of show-ups and for documenting eyewitness identification procedures. The bill contains details.

Courts/Traffic Offenses: [SB 858](#) by Sen. Darcy Jech (R-Kingfisher) and Rep. Chris Kannady (R-OKC) amends 21 O.S. Section 11 regarding other laws, which create a criminal act and prescribes punishment. That offense and punishment shall be governed by the special provision, not by the provisions of this title. There is a statutory change and current language in Section 11 (B) which includes traffic offenses is deleted. Also, 22 O.S. Section 16 is repealed.

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

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 of 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.

Environmental/Audit Act: [SB 1003](#) by Sen. Mark Allen (R-Spiro) and Rep. Mark McBride (R-Moore) is new law creating the Oklahoma Environmental, Health and Safety Audit Privilege Act to encourage voluntary compliance with environmental and occupational health and safety laws. The bill contains a number of definitions with a regulated facility or operation defined as an operation that is regulated under an environmental or health and safety law. A penalty is created for a public entity, public employee or public official who discloses information in violation of the bill. There is an affirmative defense. The bill contains details.

Pay for Success Act: [HB 2670](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Roger Thompson (R-Okemah) is new law creating the Pay for Success Act to authorize innovation opportunities via an agency entering pay-for-success contracts with a private entity or entities to receive up-front capital to fund a service or program. Nothing in this bill shall prohibit the use of pay-for-success contracts by municipalities, counties or other local jurisdictions. The bill creates details.

Sales Tax/Rolling Stock Exemption: [SB 18](#) by Sen. Roger Thompson (R-Okemah) and Rep. Kyle Hilbert (R-Depew) amends the current sales tax exemption for rolling stock by extending the exemption from before July 1, 2019 to "before July 1, 2024," and including sales "or leases" of rolling stock. Sales or leases includes "railroad car maintenance and retrofitting."

Route 66 Commission/Appointments: [HB 1774](#) by Speaker Charles McCall (R-Atoka) and Sen. Adam Pugh (R-Edmond) creates the Oklahoma Route 66 Centennial Commission Act to plan special events to celebrate historic Route 66 centennial in 2026. The bill contains details.

Oil & Gas/Taxation: [HB 1852](#) by Rep. Fetgatter and Sen. Bice amends 68 O.S. Section 1004 altering dates in the allocation of oil and gas gross production tax by three years from 2019 to 2022. For allocation to the Community Water Infrastructure Development Revolving Fund, Conservation Commission Infrastructure Revolving Fund and the Tourism and Recreation Department Capital Expenditure Revolving Fund the allocation is through the fiscal year ending June 30, 2022. Allocations for the OWRB Rural Economic Action Plan Water Projects Fund begin on July 1, 2022.

Firearms/Municipal Property: [HB 2010](#) by Rep. Mize and Sen. David amends unlawful carry in 21 O.S. Section 1277 by exchanging "handgun" in current law for "firearm" including on municipal property. In addition, an individual shall be allowed to carry a concealed

handgun in any municipal zoo or park owned, leased, operated or managed by a public trust created via 60 O.S. Section 176; or a nonprofit entity. In addition, a number of changes are made to unlawful carry impacting colleges, universities or technology centers. Finally, the peace officer exclusion for this section is expanded from carrying, in current law, a "pistol" in the course of employment to carrying a "firearm". The bill provides details.

Employment/Unemployment Compensation: [SB 335](#) by Sen. Daniels 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.

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

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.

Bills Signed by the Governor

Pension/Firefighter Volunteers: [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 member's 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.

Underground Facilities Act/Excavate: [HB 2097](#) by Rep. Terry O'Donnell (R-Catoosa) and Sen. Mark Allen (R-Spiro) amends the Oklahoma Underground Facilities Damage Prevention Act by adding to the definition of "excavate" an exemption to the existing exception in subparagraphs (a) and (i) for "a private or public easement or right-of-way". In addition, 63 O.S. Section 142.6 is amended to change the time period for excavator's notification to operators to determine whether any operators have underground facilities in or near the proposed area of excavation or demolition. Notice is given no more than 10 days nor less than 48 hours, excluding "the date of notification", Saturdays, Sundays and legal holidays. . . . Also, the time period is altered for an operator with underground facilities to locate and mark their approximate location. Current law is "within 48 hours" after receiving notification. The change is "prior to the date and time work is scheduled to begin".

Initiative and Referendum/Signatures: [HB 2119](#) by Rep. Charles Ortega (R-Altus) and Sen. Brent Howard (R-Altus) amends 11 O.S. Section 15-103 by altering the number of required petition signatures for initiative and referendum. The election is the "most recent" preceding general "municipal" election or biennial town meeting. The total number of votes cast is the sum of the votes cast for all candidates in the race for the highest-ranking at-large municipal office appearing on the ballot. If such office does not appear on the ballot, then the total number of votes cast shall be the sum of votes cast for or against the municipal question or proposition receiving the largest total number of votes on a ballot. The bill contains details.

Excavations/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.

Auxiliary Containers/Political Subdivision: [SB 1001](#) by Sen. James Leewright (R-Bristow) and Rep. Dustin Roberts (R-Durant) is new law defining an auxiliary container which is any bag, cup, package, container, bottle, device or other packaging that is made of cloth, paper, plastic, and the like, that is designed for, but not limited to consuming, transporting or protecting merchandise, food or beverages from, or at, a food service facility, manufacturing, distribution, further processing or retail facility. No political subdivision shall restrict, tax, prohibit or regulate the use, disposition or sale of auxiliary containers. This prohibition does not apply to use of auxiliary containers on property owned by a county or municipality. Nothing in the bill prohibits or limits any county or municipal ordinance or agreement regarding a recycling program or disposal of solid waste.

Firearms/Unlawful Carry: [HB 2597](#) by Rep. Jon Echols (R-OKC) makes a number of changes to various sections impacting firearms. Impacted is unlawful carry, exchanging "firearm" for current law's "handgun" in several statutes including on property designated by a municipality as a park, recreational area, wildlife refuge, wildlife management area and fairgrounds. Among other changes are regarding convicted felons, when firearms may be carried, firearms in vehicles, illegal aliens, transporting a loaded firearm, preemption is expanded to carrying "or possession" of a firearm and notification to law enforcement that the person is in actual possession of a firearm.

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.