

13-19

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OML PRIORITY BILL AWAIT'S GOVERNOR'S SIGNATURE

SB 400 by Sen. Paxton (R - Tuttle) and Rep. Lepak (R - Claremore) passed unanimously in the Senate on Tuesday, May 7 with a vote of 45-0. This bill modifies population requirements to allow county commissioners in counties under 150,000 in population to assist with municipal street and road maintenance and repairs. The bill is now on the Governor's desk for consideration. Governor Stitt has signed 339 bills and vetoed eight.

MEDICAL MARIJUANA BILL STALLS

SB 1030 by Sen. Paxton (R - Tuttle) and Rep. Bush (R - Tulsa) was scheduled to be heard on the Senate floor on Tuesday, May 7 but was laid over that day. This bill addresses the municipal concerns resulting from the passage of State Question 788. The House amended the taxation portion of SB 1030, which is causing concerns amongst some Senate members. If an agreement cannot be reached, the Senate could reject House amendments and send the bill to conference committee. This could hinder SB 1030's chances of making it to the Governor's desk before *Sine Die*. OML continues to encourage the Senate to hear *and* pass the House amendments to this important municipal bill.

HOUSE BILL THREATENS THE FUTURE OF PLANNED UNIT DEVELOPMENTS

HB 1032 by Rep. Martinez (R - Edmond) and Sen. Newhouse (R - Broken Arrow) was assigned to the House Business & Commerce conference committee last week. A homebuilder's request bill, HB 1032 is arguably the most damaging piece of legislation to municipalities that is still in play this session.

As written, the amended version of HB 1032 would create confusion and further hamper developments for landowners and municipalities alike. Without a firm understanding of how the platting process works, homebuilders believe this language solves a problem - but it does not. Their concerns are already codified in existing statutes.

This amendatory language has been reviewed by numerous municipal attorneys and planning professionals, and they have all come to the same conclusion. This bill will *eliminate* a municipality's ability to rehabilitate historic districts and blighted communities and *destroy* the Planned Unit Development process in all communities.

We are actively communicating with the members of the [House Business & Commerce conference committee](#) and asking them to reject this bill and not sign it out of the conference committee. The deadline for this bill is Thursday, May 16 at 4:30 p.m. Please take a moment to see if your Representative is on this committee. If so, please email Jodi (jlewis@oml.org) for key talking points to share with your Representative.

Bills on The Move

A Snapshot of Bills Impacting Cities and Towns

Railroads/Blocking Traffic: [HB 2472](#) by Rep. Charles McCall (R-Atoka) and Sen. Jason Smalley (R-Stroud) is new law prohibiting a railcar being brought to rest blocking vehicular traffic at a railroad intersection with a public highway or street for longer than 10 minutes. Law enforcement has authority to issue citations with fines established. The bill contains details.

The bill has been referred to the House Conference Committee on Transportation.

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 has been referred to the Senate General Conference Committee on Appropriations.

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 Conference Committee Substitute has been sent to the House.

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 has been referred to the Senate General Conference Committee on Appropriations.

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 Conference Committee Report was accepted in the House by a unanimous vote.

Hospitals/Appeals: [SB 508](#) by Sen. Joe Newhouse (R-Broken Arrow) and Rep. Marcus McEntire (R-Duncan) is new law impacting any accident and health insurer that receives, from a physician or hospital, an appeal of the denial of a claim by the insurer. The bill requires the specific details of the appeal and further detailed information in writing. The bill contains details.

The House amendments were rejected in the Senate and Conference was requested on Wednesday.

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".

The House amendments were rejected in the Senate and Conference was requested in Wednesday.

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 House amendments were rejected in the Senate and Conference was requested in Wednesday.

Water/Groundwater Irrigation District: [SB 998](#) by Sen. Casey Murdock (R-Felt) and Rep. Kenton Patzowsky (R-Balko) impacts the prohibition on any groundwater user committing waste as defined in 82 O.S. Section 1020.15 by removing the word fresh groundwater. New law provides a regulatory framework for taking and using marginal water. When in accordance with Groundwater Law and OWRB rules it is considered a beneficial use and not waste. Details include rules for well construction standards, spacing and water use reporting. Use of marginal water is in addition to any domestic use or any other use authorized via permit. The bill contains details.

The House amendments failed in the Senate on Wednesday.

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.

The Senate amendments were adopted by a vote of 81-3. The bill has been enrolled in the House.

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 and firearm licenses. The bill contains details.

The Senate amendments were adopted by a unanimous vote. The bill has been enrolled in the House.

Finance/Bonds: [HB 2305](#) by Rep. Avery Frix (R-Muskogee) and Sen. Dewayne Pemberton (R-Muskogee) amends 61 O.S. Section 2 impacting the agency, institution, department, commission, municipality or government instrumentality that is authorized and enters into contracts for construction of public improvements or buildings, or on a public-private partnership project, or for repairs. Any person who is due payment for labor, material or repair to machinery or equipment, shall file a claim or bring action on the bond for recovery. The deadline is after one (1) year from the day the last labor was performed, or material or parts furnished for which the claim is made unless a prior claim has been filed within 1 year from the day on which the labor was performed or material or parts furnished. In this case, no action shall be brought on the bond after two (2) years from the day on which the last of the labor was performed or material or parts furnished for which the claim is made.

The Senate amendments were adopted by a unanimous vote. The bill has been enrolled in the House.

Water/OWRB: [HB 2474](#) by Rep. Charles McCall (R-Atoka) and Sen. Frank Simpson (R-Ardmore) amends 82 O.S. Sections 105.11 and 1020.8 requiring the Oklahoma Water Resources Board to publish on its website the applications for stream water and ground water permits and instructions for public notice, including the draft public notice prepared by the Board. The website publication is due at the time the Board provides notice of application to the applicant. This is in addition to requirements for applicants to publish notice in the newspaper. The time to protest shall run from the date of the first newspaper publication. In addition, the Board shall make rules that establish specific days or dates required for hearings and public comments. The bill contains details.

The Senate amendments were adopted by a unanimous vote. The bill has been enrolled in the House.

Bills Move to the Governor's Desk

Alcoholic Beverages/Felony Conviction: [HB 1030](#) by Rep. Ty Burns (R-Morrison) and Sen. Chuck Hall (R-Perry) provides that an employee license in 37A O.S. Section 2-148 may be issued and held by a person who has been convicted of a felony if the conviction was not for a violent offense as provided in the bill. Removed from current law is the additional requirement that the conviction was more than 5 years prior to the issuance of the license.

Employment/Independent Contractors: [HB 1095](#) by Rep. Mike Osburn (R-Edmond) and Sen. Jason Smalley (R-Stroud) is new law creating the Empower Independent Contractors Act of 2019 by empowering the Oklahoma Employment Security Commission with exclusive authority to determine whether a person is an independent contractor or employee. The criteria for determination is the 20-factor test used by the IRS. The Commission is given rule-making authority.

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.

Pension/Firefighters: [HB 2269](#) by Rep. Josh West (R-Grove) and Sen. Paul Rosino (R-OKC) amends the Firefighter Pension System regarding the calculation of straight life annuity in 11 O.S. Section 49-106.2 by adding language on interest rates. In addition, all pension benefits including payments from the deferred option plan shall be paid from the general assets of the Fund. Also, changes are made to probate procedure following a member's death. The Police Pension System is amended regarding the Deferred Option Plan's payment of a lump sum to beneficiaries specified in the bill. In addition, the State Police Pension Board shall be granted access in 11 O.S. Section 50-112 to a list of actively working police officers within municipalities and agencies under the purview provided by CLEET. Upon the death of a retired member or a beneficiary of the Police Pension System, the benefit payment for the month the retired or beneficiary died, if not previously paid, shall be made to the beneficiary of the member, which shall include a

successor in interest in accordance with requirements in the bill.

Law Enforcement/Cyclists: [HB 2453](#) by Rep. Jason Dunnington (D-OKC) and Sen. John Montgomery (R-Lawton) amends 47 O.S. Section 11-1208 regarding motorists interacting with cyclists on the roadway. Regulation is put in place for changing lanes and overtaking the bicycle. There is a penalty provision including fines and criminal penalties. The bill provides details.

Water/Mining Moratorium: [HB 2471](#) by Rep. Charles McCall (R-Atoka) and Sen. Greg McCortney (R-Ada) is new law creating a moratorium on the Department of Mines issuing a permit via 45 O.S. Section 724. The moratorium impacts any location overlying a sensitive sole source groundwater basin or subbasin, or in which groundwater emanating from any sensitive sole source groundwater basin or subbasin may collect within a pit, as defined in 45 O.S. Section 723. In addition, OWRB shall not issue any permit or other administrative authorization for the appropriation, diversion, withdrawal or removal of water from or for the dewatering, in part or in full, of a pit, as defined in 45 O.S. Section 723, of a subject mine. Final rules are required to provide for interagency consultation among the Department of Mines, OWRB and DEQ on all administrative matters. The bill contains details.

Cannabidiol/Label: [SB 238](#) by Sen. Robert Standridge (R-Norman) and Rep T.J. Marti (R-Tulsa) is new law requiring a label for any manufactured product containing cannabidiol. The bill contains an exception for any pharmaceutical product approved by FDA and authorizes retail sales without a license under conditions in the bill. The bill contains details.

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 laws designated.

Finally, “authorized agent” is renamed “authorized provider” and is amended by deleting through contract and substituting recognized for current laws designated. This language is also amended in 59 O.S. Section 1046 including changes directly impacting political subdivision. Applicants for certification and license is 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.

Law Enforcement/Intimidation: [SB 752](#) by Sen. James Leewright (R-Bristow) and Rep. Nicole Miller (R-Edmond) amends 21 O.S. Section 838 regarding a person who by use of force, threats or intimidation, prevents another from employing or compels employment, or to induce another to alter his/her mode of carrying on business. The bill adds to interrupt or disrupt the carrying on of business. In addition, 21 O.S. Section 1172 is amended by adding text, sound or images. Also, added to the current definition of telecommunication and electronic communication is a communication including text, sound or images posted to a social media or other public media source. The bill contains details.

Wildfire Prevention/County: [SB 870](#) by Sen. Casey Murdock (R-Felt) and Rep. Carl Newton (R-Cherokee) amends 2 O.S. Section 16-8 by authorizing, under the direction of forest rangers and written permission of the landowner, county officers and employees to cut firelines and carry out all customary activities for conducting prescribed burns to mitigate hazardous wildland fuels for the prevention of wildfires on private lands.

Energy Independence Act/Commercial Property: [SB 1000](#) by Sen. James Leewright (R-Bristow) and Rep. Scott Fetgatter (R-Okmulgee) amends 19 O.S. Section 460.5 by exempting property zoned as residential from the Oklahoma Energy Independence Act. Counties are authorized to establish commercial Property Assessed Clean Energy (PACE) programs to facilitate financing between commercial property owners and private lenders. Additional changes are made regarding mortgages on property where a lien is recorded, loans and enforcement of a lien which runs with the property and has the same priority and status as a lien for unpaid ad valorem property taxes. The exclusive method of enforcing a lien for failure to repay any loan shall be by the local government in the same manner and with the same priority as the enforcement of a lien for unpaid ad valorem property taxes. The bill contains details including regulation of improvements.

Public Accommodation/Service Animals: [HB 1309](#) by Rep. Marilyn Stark (R-Bethany) and Sen. Brenda Stanley (R-OKC) is new law creating 4 O.S. Section 801 regarding public accommodation of service animals by a place of public accommodation. These terms have the same meaning as defined in 28 C.F.R. Section 36.104. There are exceptions, policy and posting requirements. The bill contains details.

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.

Water/McClellan-Kerr Arkansas River Navigation System: [HB 2143](#) by Rep. Chris Sneed (R-Fort Gibson) and Sen. Kimberly David (R-Porter) creates for the Oklahoma Department of Transportation the McClellan-Kerr Arkansas River Navigation System (MKARNS) Infrastructure Revolving Fund to repair and construct assets which are part of the Navigation System.

Law Enforcement/Stationary Vehicle: [SB 89](#) by Sen. Brent Howard (R-Altus) and Rep. Charles Ortega (R-Altus) requires a driver of a motor vehicle to change lanes into a lane not adjacent to a stationary vehicle that is displaying flashing lights. The bill provides details.

Law Enforcement/DNA Collection: [SB 184](#) by Sen. Wayne Shaw (R-Grove) and Rep. Carol Bush (R-Tulsa) amends 22 O.S. Section 210 requiring DNA collection and testing for persons over 18 arrested for a felony. Samples must be collected by trained medical personnel, law enforcement, tribal police officers, or employees or medical contractors of these organizations as qualified via this statute. Provision is made for DNA identification - matching purposes, use of Rapid DNA technology by a jail, detention facility, booking facility of a federally recognized American Indian tribe in Oklahoma or other designated facility and confidentiality requirements. An additional exception is added to current law for non-analysis and destruction requirements if the DNA sample was provided as a condition of a plea agreement. The bill contains details.

Transportation/Funding: [SB 400](#) by Sen. Lonnie Paxton (R-Tuttle) and Rep. Mark Lepak (R-Claremore) amends 11 O.S. Section 36-113 by authorizing municipalities of greater than 5,000 persons but less than 15,000 persons to

pass a tax or fee in order to qualify for the board of county commissioners to construct, improve, repair or maintain any streets of a municipality. This authorization is for counties of a population of less than 150,000 persons.

Open Meetings/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.

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.

Expungement/Leave of Court: [SB 815](#) by Sen. Kim David (R-Porter) and Rep. Chris Kannady (R-OKC) amends 22 O.S. Section 18 regarding those authorized to file a motion for expungement. A person not otherwise eligible may, upon leave of court, file a motion for expungement. The bill contains details.

Law Enforcement/Sexual Assault Kits: [SB 975](#) by Sen. Kay Floyd (D-OKC) and Rep. Jon Echols (R-OKC) is new law requiring a variety of activities regarding sexual assault evidence kits including law enforcement requirements. This includes submitting evidence to a lab, information given to a victim and maintaining and storing untested kits. The bill contains details.

Health Insurance/Credit Card Payment: [HB 1157](#) by Rep. Rande Worthen (R-Lawton) and Sen. John Montgomery (R-Lawton) is new law prohibiting any health insurance plan from containing restrictions on methods of payment from the health insurer to its vendor or health maintenance organization to the health care provider in which the only acceptable payment method is a credit card payment. The bill contains details.

Marijuana/Physician: [HB 2613](#) by Rep. Scott Fetgatter (R-Okmulgee) and Sen. Lonnie Paxton (R-Tuttle) amends the definition of physician to include licensing by the Board of Podiatric Medical Examiners. In new law various medical licensure boards are granted authority to issue guidance and discipline regarding physicians impacted by the bill. The bill contains details.

Law Enforcement/Emergency Vehicle: [HB 2629](#) by Rep. Jon Echols (R-OKC) and Sen. Julia Kirt (D-OKC) impacts drivers approaching a stationary emergency vehicle, a DOT maintenance vehicle, a Turnpike Authority maintenance vehicle or a wrecker that is displaying a flashing amber light or a combination red or blue light or any combination of amber, red or blue lights. Required actions are changing lanes, reducing speed and the like. In addition, 47 O.S. Section 954 is amended to authorize peace officers of political subdivisions to detain and arrest any person offering towing services to the public for a charge. Any person convicted of offering towing services to the public for a charge without a license shall be guilty of a misdemeanor and punished with a fine of \$1,000. Law enforcement may impound the tow truck.

Hospitals/Trauma Systems: [SB 156](#) by Sen. Frank Simpson (R-Ardmore) and Rep. Sean Roberts (R-Hominy) amends the Oklahoma Trauma Systems Improvement and Development Act. It adds a requirement for data collection for responses to time-sensitive medical conditions including stroke and ST-Elevated Myocardial Infraction. In addition, there are requirements for meetings of regional trauma advisory boards including confidential standards and an exception from the Open Records Act. The bill contains details.

Hospitals/STI: [SB 220](#) by Sen. Roger Thompson (R-Okemah) and Rep. Jason Dunnington (D-OKC) contains reporting duties for hospitals and correctional facilities in which there is a case of a sexually transmitted infection. Notification is to the city-county health department, if in Oklahoma or Tulsa County, who shall notify the State Commissioner of Health or for those not in Oklahoma or Tulsa County, notification is directly to the State Commissioner of Health.

Law Enforcement/Driving Privileges: [SB 712](#) by Sen. Kimberly David (R-Porter) and Rep. Chris Kannady (R-OKC) amends various sections of Title 47 impacting persons convicted of a number of offenses. Changes include refusal to take a test, license revocation, Impaired Driver Accountability Program (IDAP), ignition interlock device, various fees, actual physical control and appeal process. Law enforcement agencies may designate whether blood or breath is to be tested for alcohol, and blood, saliva or urine for any other intoxicating substance. The bill contains procedures in the event the law enforcement agency does make this designation. Notification by law enforcement is also included. Provision is also made for testing a person who is incapable of submitting to and successfully completing the testing. The bill contains details.

Bills Signed by the Governor

Immunity/Cattle Guards: [SB 962](#) by Sen. Brent Howard (R-Altus) and Rep. John Pfeiffer (R-Mulhall) new law giving immunity to political subdivisions for claims from cattle guards or other device to impede livestock, wildlife and other animals on public roadways.

The bill will take effect on November 1, 2019.

Finance/Public and Private Infrastructure Act: [SB 243](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Mark Lepak (R-Claremore) adds a representative from the Department of Commerce to the partnership committee of the Public and Private Facilities and Infrastructure Act.

The bill will take effect 90 days after Sine Die.

Employment/Social Media Policy: [SB 198](#) by Sen. Robert Standridge (R-Norman) and Rep. Kevin McDugle (R-Broken Arrow) requires the state and political subdivisions to adopt a social networking and social media policy applying to those employees who utilize social media or social networking networks for work purposes. The bill contains definitions and details on prohibited behavior directed at an Oklahoma citizen. The policy must be distributed to each affected employee by email. The state or political subdivision shall not be liable if a loss or claim results from any action undertaken in their discretion pursuant to the provisions of this act.

The bill will take effect on November 1, 2019.

Jails/Reimbursement: [HB 1374](#) by Rep. Zack Taylor (R-Seminole) and Sen. Paul Rosino (R-OKC) amends 57 O.S. Section 95 providing details on reimbursement for the sheriff's transportation of the convicted person to the Department of Corrections Lexington Assessment and Reception Center or other location as designated. Components are mileage, hourly wage reimbursement not to exceed \$30 an hour per officer, rule-making and rulemaking authorization. The bill contains details.

The bill took effect on May 7, 2019.

Wind Turbine/Individual Structure Regulation: [HB 2118](#) 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 have duties. The bill contains extensive details.

The bill took effect on May 7, 2019.

Nursing Home/Long-Term Care: [SB 142](#) by Sen. Stephanie Bice (R-OKC) and Rep. Tammy West (R-Bethany) provides that no long-term care facility resident shall be prescribed or administered any antipsychotic drug not already prescribed prior to admission unless a number of conditions are met. The bill contains details.

The bill will take effect on November 1, 2019.

Marijuana/Physicians: [SB 162](#) by Sen. Robert Standridge (R-Norman) and Rep. T.J. Marti (R-Tulsa) amends marijuana provisions in several ways. New law, not to be codified, 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 impacts applications in several ways including authorizing applications for a marijuana medical license be signed by a licensed physician who is in good standing with the State Board of Medical Licensure and Supervision of the State Board of Osteopathic Examiners. In addition, changes are made to the definition of test batch by adding "no greater than ten (10) pounds." Test batch is then included in regulation impacting growers and processors and batch size is removed from rulemaking by the State Commissioner of Health.

The bill took effect on May 7, 2019.

Drug Courts/Funds: [SB 259](#) by Sen. Dewayne Pemberton (R-Muskogee) and Rep. Ross Ford (R-Broken Arrow) amends the Oklahoma Drug Court Act in 22 O.S. Section 471.1. Except as otherwise provided by law, all funds received by a drug court, in its capacity as a drug court, shall be credited to the county treasurer's office in the Drug Court Fund. Funds are dedicated to the operation of the drug court. The bill contains details.

The bill will take effect 90 days after Sine Die; however, section 2 of the bill will take effect on November 1, 2020.

Law Enforcement/Mopeds: [SB 337](#) by Sen. Larry Boggs (R-Wilburton) and Rep. Jim Grego (R-Wilburton) increases allowable speeds for mopeds and authorizes operation on streets and highways under conditions in the bill.

The bill will take effect on November 1, 2019.

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 will take effect 90 days after Sine Die.

Law Enforcement/Motor Vehicles: [SB 374](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Avery Frix (R-Muskogee) defines due process. It means the conducting of legal proceedings via established principles for protection and enforcement of private rights including, notice and right to a fair hearing before a tribunal with the power to decide the case.

The bill will take effect 90 days after Sine Die.

Taxation/Voluntary Compliance: [SB 402](#) by Sen. Kay Floyd (D-OKC) and Rep. Tammy West (R-Bethany) is new law prohibiting a taxpayer from participating in a statutory voluntary compliance initiative if he/she has previously participated in a similar initiative. The prohibition applies if there is a waiver of penalty, interest and other collection fees due on unpaid taxes. The bill contains conditions and exceptions.

The bill will take effect on November 1, 2019.

Hospital/Mammography: [SB 443](#) by Sen. Adam Pugh (R-Edmond) and Rep. Lewis Moore (R-Arcadia) requires all health care facilities to send the summary of a mammography report by electronic mail if elected by the patient.

The bill will take effect on November 1, 2019.

Sales Tax Exemption/American Legion: [HB 1003](#) by Rep. Mike Sanders (R-Kingfisher) and Sen. Roger Thompson (R-Okemah) adds a sales tax exemption for the American Legion.

This bill took effect on May 6, 2019.

Children's Code/Residential Program: [HB 1993](#) by Rep. Jadine Nollan (R-Sand Springs) and Sen. Frank Simpson (R-Ardmore) amends the Oklahoma Children's Code by adding a definition for family-style residential program and adding it to the definition of child-placing agency and in other parts of the Code. Also, a definition for least-restrictive placement is added to the Code.

The bill will take effect on November 1, 2019.

Municipal Construction Management/Major Changes: [HB 2666](#) by Rep. Kevin Wallace (R-Wellston) and Sen. James Leewright (R-Bristow) makes extensive changes to political subdivision construction contracts dictating procedures and qualifications. 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 new Political Subdivision Act is extensive with definitions, how construction managers must be selected, contents of contracts, management fee, reimbursement of construction manager costs, procedures for awarding contracts/bidding, bonds, retainage and restrictions on rejecting all bids.

The bill adds public subdivisions to State Consultants in 61 O.S. Sections 61 and 62 by requiring all political subdivisions to only consider construction managers recognized by the State via the Office of Management and Enterprise Services. Included are a number of requirements on evaluating the construction managers including the requirement that negotiations with potential construction managers be one at a time with the best qualified first. Only if a fee cannot be negotiated that is fair and reasonable to both parties, can the political subdivision negotiate with other construction managers in order of their qualifications. Where construction management at-risk is the project delivery method is amended in 61 O.S. Sections 113 and 121. This includes the requirement that contracts shall be executed by the awarding public agency, or, where construction management at-risk is the project delivery method, by the construction manager and the successful bidder and change order limits in current law for at-risk are changed to the total cost of the project rather than the cost of the individual trade contracts.

Finally, public subdivisions are impacted by changes to the Public Facilities Act which is Sections 202 through 213. Current law is through Section 220. Alterations are made in 61 O.S. Sections 201, 202 and 202.1. Impacted are changes to agency construction management and at-risk construction management, removal of current language which provides political subdivision do not need to obtain approval of any other state agency to use agency and at-risk construction management, design-build deletions and additional new requirements. New language impacts publication and procedure for bids. 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). The bill contains comprehensive details.

The bill will take effect on January 1, 2020.

Employment/Voting: [SB 58](#) by Sen. Dewayne Pemberton (R-Muskogee) and Rep. Avery Frix (R-Muskogee) amends 26 O.S. Section 7-101 adding requirements to an employer's duty to grant an employee two (2) hours to vote on the day of the election. In-person absentee voting is added on the day of the election or on a day on which in-person absentee voting is allowed by law and the current requirement that the employee be in the county is removed. There is a three (3) day notice requirement. Also, upon proof of voting, the employee shall not be subject to any loss of compensation or other penalty for such absence. There is a civil penalty provision.

The bill took effect on May 6, 2019.

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 alcohol beverages by a holder of a Retail Wine License, Retail Beer License or Mixed Beverage 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. Such practice does not constitute the extension of credit.

The bill took effect on May 6, 2019.

Alcoholic Beverages/Commercial Vessels: [SB 115](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Marcus McEntire (R-Duncan) adds commercial vessels to the airline/railroad beverage license authorized by 37A O.S. Section 2-118.

The bill took effect on May 6, 2019.

Law Enforcement/Excessive Force: [HB 2126](#) by Rep. Kevin McDugle (R-Broken Arrow) and Sen. Darrell Weaver (R-Moore) provides the OSBI is authorized to contract with municipal or county law enforcement to conduct administrative reviews of use-of-force investigation for compliance with current investigative procedures, standards and law. Funds received will be deposited in the OSBI Revolving Fund. Any review of use-of-force investigation shall be done by a certified peace officer.

The bill will take effect on November 1, 2019.

Water/Groundwater Irrigation District: [HB 2263](#) by Rep. Kenton Patzkowsky (R-Balko) and Sen. Casey Murdock

(R-Felt) is new law creating the Groundwater Irrigation District Act for permit holders in a proposed District for procurement conservation grant funding. The bill contains details of the required petition to create the District plus duties for county commissioners and OWRB including rulemaking.

The bill will take effect on November 1, 2019.

Law Enforcement/Hearing Status: [HB 2516](#) by Rep. Tammy West (R-Bethany) and Sen. Darrell Weaver (R-Moore) authorizes an owner or lessee of a noncommercial vehicle to inform the Tax Commission that they are deaf, hard-of-hearing, autistic or suffers from Apraxia or a communication disorder. If given, this information shall be available to assist law enforcement. The bill contains details including definitions.

The bill will take effect on November 1, 2019.

Liens/Discharge: [SB 449](#) by Sen. Tom Dugger (R-Stillwater) and Rep. Kevin West (R-Moore) alters mechanics and materialmen's liens in 42 O.S. Section 147.1. It shortens from 10 years to 5 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.

The bill will take effect on November 1, 2019.

Law Enforcement/Custodial Interrogation: [SB 636](#) by Sen. Julie Daniels (R-Bartlesville) and Rep. Chris Kannady (R-OKC) is new law requiring all law enforcement agencies, in collaboration with the county or district attorney, to adopt a detailed written policy requiring electronic recording of a custodial interrogation of a person suspected of homicide or a felony sex offense that is conducted at a place of detention. The bill contains requirements, exceptions and definitions.

The bill will take effect on November 1, 2019.

CLEET/Municipal Academies: [SB 658](#) by Sen. Darrell Weaver (R-Moore) and Rep. Ross Ford (R-Broken Arrow) adds to current law's requirement in 70 O.S. Section 3311.5 regarding application to operate a basic law enforcement academy for municipalities with a population of 65,000 or more or any county with a population of 500,000 or more. The bill provides that a municipality with a population under 65,000 or a county with a population under 500,000 may be authorized to operate a basic law enforcement academy; provided, however, the Council may approve no more than two such applications per year."

The bill will take effect on November 1, 2019.

Law Enforcement/Vehicles: [SB 690](#) by Sen. Mark Allen (R-Spiro) and Rep. Avery Frix (R-Muskogee) amends Title 47 regarding vehicle maximum height. The bill contains details.

The bill took effect on May 9, 2019.

Used Tire Recycling Act: [SB 878](#) by Sen. James Leewright (R-Bristow) and Rep. Kyle Hilbert (R-Depew) amends the Oklahoma Used Tire Recycling Act in various ways. This includes adding or amending various definitions, increasing fees, augmenting penalty provisions and substituting "tire-derived product" for current law's "crumb rubber". The bill contains details.

The bill took effect on May 9, 2019.

Marijuana/Waste Management Act: [SB 882](#) by Sen. Darrell Weaver (R-Moore) and Rep. Scott Fetgatter (R-Okmulgee) is new law creating the Oklahoma Marijuana Waste Management Act to license persons or entities entitled to possess, transport and dispose of medical marijuana waste. There is an exception, "unless restricted by local ordinance," for disposal of listed material consistent with DEQ. A screening process must be followed, liability insurance is required, inspections are possible, a fee is authorized, and rulemaking is given to the State Commissioner of Health. Complaints alleging criminal activity by a licensed facility are referred by the Oklahoma Medical Marijuana Authority to state or local law enforcement. In addition, Section 2 of Enrolled HB 2612 is amended to alter the definition of "medical marijuana waste" or "waste" and "usable marijuana" to exclude "roots, stems, stalks and fan leaves". The bill contains two effective dates.

The bill took effect on May 9, 2019.

Electronic Documents/Notarizations: [SB 915](#) by Sen. Paul Rosino (R-OKC) and Rep. Chris Kannady (R-OKC) is new law creating the Remote Online Notary Act with rulemaking given to the Secretary of State. There are numerous definitions, authorization for a notary appointed under the Act to perform remote online notarizations including application/registration and fees. The bill requires the notary to maintain a journal in a permanent, tamper-evident electronic format, electronic signature and seal, specific notarization procedures with authorization to charge a fee. The bill contains details.

The bill will take effect on January 1, 2020.

CLEET/Training: [SB 971](#) by Sen. Kay Floyd (D-OKC) and Rep. Jon Echols (R-OKC) requires CLEET to establish appropriate training resources including policies and protocols for responding to sexual assault calls, guidelines for sexual assault kits and continuing education on trauma-informed sexual assault response and intervention. All CLEET certified officers are required to complete such training on a regular basis as determined by CLEET. Training resources are also required for basic training courses. The bill contains details.

The bill will take effect on November 1, 2019.

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.