Governor’s Fallin’s State of the State Delivered

On Monday, February 1st, Governor Fallin delivered her 6th State of the State Address lining out her agenda for the upcoming session. She focused on incarceration rates, education as well as solutions for the addressing the budget crisis.

Cities and Towns appreciate Governor Fallin acknowledging that raising taxes isn’t the right thing but exploring exemptions and other sales tax revenue is the responsible way to go about balancing the budget. Fallin said “We all know that cities and states are losing out on sales tax revenue each year as more business is conducted online, and states like Oklahoma can’t collect sales tax because of federal inaction. We all need to call on Congress to level the field for small businesses and Oklahoma retailers by implementing a fair system for online sales tax. We have to help our local communities keep local businesses healthy and fund core services.”

Weatherford Mayor Mike Brown, President of the Oklahoma Municipal League said “Oklahoma mayors and elected officials look forward to continuing to work with the Governor and legislative leadership in looking at efficiencies in regards to the 150 sales tax exemptions. With Oklahoma cities & towns being 'overly-dependent' on local, voter approved sales tax to provide most all general operations, exploring options in this area is huge. Although cities and towns will benefit and be able to ensure essential services like police and fire are adequately staffed and funded, at the end of the day, the state of Oklahoma is the largest beneficiary.”

Rep. Jason Dunnington (D-OKC) and Rep. Chad Caldwell (R-Enid) have introduced HB 2925 which would level the playing field for local businesses by allowing the state to close the loophole on capturing some Internet sales tax. This bill is being heard Wednesday in the full House A&B Committee at 4:30 p.m. Please contact the members of the Committee and ask for their YES vote on HB 2925.

Oklahoma Municipal League joins the Governor in looking forward to a productive session.

Municipal Government Day at the Capitol

OML and The Mayors Council of Oklahoma (MCO) will host their annual Municipal Government Day at the Capitol on Tuesday, March 8th in the Governor’s Blue Room. This is our time to showcase Oklahoma municipalities and local government at the State Capitol. OML/MCO uses this opportunity to educate municipal officials, legislators, students and the general public about legislative issues that impact local government. During the day, winners of the “If I Were Mayor” contest will be recognized.
BILLS ON THE MOVE

Cable Television/Municipal Authority: **HB 2358** by Rep. Weldon Watson (R-Tulsa) amends 11 O.S. Section 22-107.1 and 107.2 regarding municipal authority concerning ordinances, certificates, licenses, permits or franchises for cable television. Among the changes in this detailed bill: “video services is substituted for “cable television”, rental payment for use of right-of-ways shall not exceed 5% of the annual gross revenues derived by the video services provider from the provision of video services within the municipality, provision is made for ordinances regulating video services pursuant to the police power. The bill defines “video services”. The bill has been assigned to the House Utilities Committee.

City-County Park Commission: **HB 2762** by Rep. Dan Kirby (R-Tulsa) adds one member to the city-county park and recreation commission. The bill has been assigned to the House County & Municipal Government Committee.

Code Enforcement/Construction Industries Board: **HB 2644** by Rep. Kevin Wallace (R-Wellston) authorizes the Construction Industries Board to establish an Internet website, social media page or other web presence for conveying information, creates the Skilled Trade Education and Workforce Development Fund and authorizes specific uses of fines or penalties deposited in the Oklahoma Mechanical Licensing Revolving Fund, Electrical Revolving Fund or Plumbing Licensing Revolving Fund. The bill contains details. The bill has been assigned to the House Business, Labor and Retirement Laws Committee.

Code Enforcement/Building Code Commission: **HB 2758** by Rep. Dan Kirby (R-Tulsa) amends the member of the Uniform Building Code Commission by removing an appointee of the Construction Industries Board and adding the criteria that one member has experience in commercial building management who is a member of a statewide organization representing commercial building owners and managers. Minimum standards in 59 O.S. Section 1000.23 are changed to “state” minimum standards, alterations are made to the Commission’s training requirements and Section 1000.24 is amended to add continuing education for residential and commercial construction industry professionals. The bill has been assigned to the House Business, Labor and Retirement Laws Committee.

Code Enforcement/CIB: **HB 2411** by Rep. George Faught (R-Muskogee) extends the sunset date of the Construction Industries Board to July 1, 2022. The bill has been assigned to the House Administrative Rules Committee.

Code Enforcement/County Emergency Registration Act: **HB 2436** by Rep. Scott Biggs (R-Chickasha) creates the County Emergency Registration Act. This detailed bill creates a framework for county commissioners to require registration of any roofing contractor for those acting “within the county” affected by a declared state disaster or emergency. The bill contains definitions, fees, details, exclusions and penalties. The bill has been assigned to the House Business, Labor and Retirement Laws Committee.

Economic Development/Public and Private Projects: **HB 2476** by Rep. Claudia Griffith (D-Norman) creates the Oklahoma Public and Private Facilities and Infrastructure Act. It’s stated purpose is to encourage investment by private entities in qualifying projects while providing governmental entities with the greatest possible flexibility. The bill has been assigned to the House Government Oversight and Accountability Committee.

Emergency Response Systems Development Act: **HB 2742** by Rep. Doug Cox (R-Grove) amends various definitions of the Oklahoma Emergency Response Systems Development Act including “ambulance service” and “stretcher aid van and adds definition for “community paramedic”. The bill has been assigned to the House Public Health Committee.

Eminent Domain/Location Exception: **HB 2276** by Rep. Lee Denney (R-Cushing) authorizes the owner of real property over which any corporation may desire to locate its pipeline, utility line or other transmission line, to file a request for judicial location exception with the district court. The bill has been assigned to the House Judiciary and Civil Procedure Committee.

Eminent Domain/Prohibition: **SB 931** by Rep. Frank Simpson (R-Ardmore) and Sen. Pat Ownbey (R-Ardmore) amends 27 O.S. Section 13 by prohibiting the use of eminent domain for the construction of dams, pipelines, lakes or diversions for the purpose of moving water out of state or from basin to basin within the state. The bill has been assigned to the Senate Judiciary Committee.

Employment/Online Social Media: **HB 2295** by Rep. Wade Rousselot (D-Wagoner) amends 40 O.S. Section 173.2 regarding employer prohibitions and rights regarding employees online social media accounts. Nothing in this section shall apply to law enforcement agencies conducting background checks on prospective
or current employees. The bill has been assigned to the House Business, Labor and Retirement Laws Committee.

**Employment/Flag:** **HB 2730** by Rep. James Lockhart (D-Heavener) prohibits a public or private employer to discharge or discriminate against any employee in compensation or in terms, conditions or privileges of employment for displaying an American flag on the employee’s person or work station, provided the display does not substantially or materially interfere with the employee’s job duties. The bill authorizes civil legal action and all appropriate relief including attorney fees. The bill has been assigned to the House Business, Labor and Retirement Laws Committee.

**Employment/Emergency Responder:** **HB 2731** by Rep. James Lockhart (D-Heavener) prohibits the endangerment of an emergency responder under detailed conditions. The bill contains definitions, penalty provisions and exceptions. In addition, 47 O.S. Section 1302 is amended to prohibit any person from tearing down, damaging or removing any traffic-control device or barricades or drive any vehicle through or around the device. The bill contains penalty provisions including the requirement to pay restitution equal to the actual costs of emergency response and repair and replacement of damaged or lost emergency equipment. The bill has been assigned to the House Public Safety Committee.

**Employment/Noncollusion Affidavit:** **HB 2735** by Rep. James Lockhart (D-Heavener) requires any person applying for employment with the state or any political subdivision to sign a noncollusion affidavit stating that the individual is not in collusion with any elected official in Oklahoma to gain employment. The bill has been assigned to the House State Government Operations Committee.

**Employment/PERB:** **HB 2409** by Rep. George Faught (R-Muskogee) extends the sunset date of the Public Employees Relations Board to July 1, 2022. The bill has been assigned to the House Administrative Rules Committee.

**Employment/Criminal History:** **HB 2475** by Rep. Pam Peterson (R-Tulsa) creates new law that, unless otherwise provided by law, a state employer shall not inquire into or consider an applicant’s criminal history on an initial employment application. An inquiry can be made only after the applicant’s qualifications are screened and the employer determines that the applicant meets the minimum employment requirements specified for the position. The bill has been assigned to the House Criminal Justice and Corrections Committee.

**Law Enforcement/Firearms:** **HB 2266** by Rep. George Faught (R-Muskogee) amends concealed handgun provisions on public property in 21 O.S. Section 1277. The bill has been assigned to the House Public Safety Committee.

**Law Enforcement/Firearms:** **HB 2296** by Rep. Wade Rousselot (D-Wagoner) amends 21 O.S. Section 1277 exempting municipal employees under certain conditions. Municipal employees, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the governing authority of the municipality, when acting in the course and scope of employment. The bill has been assigned to the House Public Safety Committee.

**Law Enforcement/Unmanned Aerial Surveillance Act:** **HB 2337** by Rep. Paul Wesselhoft (R-Moore) creates the Oklahoma Unmanned Aerial Surveillance Act. Among the detailed provisions is required compliance with all Federal Aviation Administration requirements and guidelines, prohibition for an agent of the state or political subdivision to operate an unmanned aerial vehicle or to disclose or receive information acquired through the operation of the vehicle. The bill contains a number of exceptions including consent, emergency situations, warrant or order, non-law-enforcement operations, public land and scientific research and cartography. There are penalty provisions, recordkeeping mandates and detailed requirements. The bill has been assigned to the House Judiciary and Civil Procedure Committee.

**Law Enforcement/DUI:** **HB 2555** by Rep. Harold Wright (R-Weatherford) amends 47 O.S. Section 11-902 regarding any person convicted of a violation of driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) of more. The bill has been assigned to the House Criminal Justice and Corrections Committee.

**Law Enforcement/Vehicles:** **HB 2558** by Rep. Harold Wright (R-Weatherford) amends 47 O.S. Section 11-309 regarding semitrailers, trailers and truck-tractors upon a roadway divided into three or more lanes. These vehicles shall not be driven in the left-hand lane except when preparing for a left turn at an intersection. The bill contains exceptions. The bill has been assigned to the House Transportation Committee.

**Law Enforcement/Unmanned Aircraft:** **HB 2591** by Rep. David Perryman (D-Chickasha) regulates unmanned aircraft requiring certain information and registration. The bill contains definitions, a penalty provision and a number of exceptions including one for
the federal government, the state, political subdivisions and a law enforcement agency. The bill has been assigned to the House Judiciary and Civil Procedure Committee.

**Law Enforcement/Unmanned Aircraft:** **HB 2599** by Rep. Justin Wood (R-Shawnee) prohibits unmanned aircraft to operate over a critical infrastructure facility if the unmanned aircraft is less than 400 feet above the ground. The bill contains details, definitions and exceptions including for the federal government, the state, a political subdivision or a law enforcement agency. The bill has been assigned to the House Public Safety Committee.

**Law Enforcement/Records:** **HB 2610** by Rep. Jeannie McDaniel (D-Tulsa) adds a number of provisions to the Oklahoma Children’s Code including an exception for confidential information to be released for federal, state or a local government entity, or any agent of the entity, needing the information in order to carry out its responsibilities under law to protect children from abuse or neglect. The detailed bill contains a number of new law provisions. The bill has been assigned to the House A&B Subcommittee on Human Services.

**Law Enforcement/Seat Belts:** **HB 2611** by Rep. Jeannie McDaniel (D-Tulsa) amends 47 O.S. Section 12-417. It provides, except as provided in 47 O.S. Section 11-1112 regarding the use of child passenger restraint systems, every backseat passenger eighteen (18) years of age or younger in a passenger vehicle operated in this state shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R. Section 571.208. The bill has been assigned to the House Public Safety Committee.

**Law Enforcement/Firearms:** **HB 2660** by Rep. Casey Murdock (R-Felt) prohibits a public or private college or university from establishing or enforcing any policy or rule that has the effect of prohibiting any person, except a convicted felon, from storing a shotgun or rifle in a locked motor vehicle on public or private college or university property set aside for the use or parking of a motor vehicle. The bill has been assigned to the House Public Safety Committee.

**Law Enforcement/Firearms:** **HB 2664** by Rep. R.C. Pruett (D-Antlers) amends 21 O.S. Section 1277 regarding unlawful carry of firearms in certain places. It exempts municipal city managers, in possession of a valid handgun license, from Section 1277 when acting in the course and scope of employment within any building owned or leased by a city, town or county governmental authority. The bill has been assigned to the House Public Safety Committee.

**Law Enforcement/Asset Forfeiture:** **HB 2670** by Rep. Cory Williams (D-Stillwater) amends 63 O.S. Section 2-506 regarding seizure/forfeiture of property by law enforcement. In any forfeiture in which the defendant or claimant substantially prevails, the agency processing the seizure and forfeiture shall pay from funds generated by seizure and forfeiture actions reasonable attorney fees and litigation costs and postjudgment interest with additional provisions for currency and other negotiable instruments. The bill has been assigned to the House Judiciary and Civil Procedure Committee.

**Law Enforcement/Lights:** **HB 2697** by Rep. John Enns (R-Enid) amends 47 O.S. Section 12-201 requiring vehicles to properly display all lamps and illuminating devices when windshield wipers of the vehicle are in continuous use as a result of rain, sleet or snow. The bill has been assigned the House Public Safety Committee.

**Law Enforcement/School Bus:** **HB 2739** by Rep. Donnie Condit (D-McAlester) amends 47 O.S. Section 11-801 by removing current laws specific speed limit for a school bus. The bill passed out of the House Public Safety Committee today.

**Law Enforcement/Smoking:** **HB 2740** by Rep. Donnie Condit (D-McAlester) prohibits smoking in a motor vehicle with a child present. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing this provision. The bill contains definitions and penalty provisions. The bill has been assigned to the House Public Health Committee.

**Law Enforcement/Sex Crimes:** **HB 2425** by Rep. Sally Kern (R-OKC) amends the Sex Offenders Registration Act relating to child prostitution. The bill has been assigned to the House Criminal Justice and Corrections Committee.

**Law Enforcement/Firearms:** **HB 2427** by Rep. Sally Kern (R-OKC) amends 21 O.S. Sections 1298.3 and 1290.2 of the Oklahoma Self-Defense Act by adding handguns. The bill has been assigned to the House Public Safety Committee.

**Law Enforcement/Texting While Driving:** **HB 2448** by Rep. Terry O'Donnell (R-Catoosa) amends 47 O.S. Section 11-901d regarding texting and driving to expand the definition of “electronic communication device” to include and ignition interlock device that has been installed on a motor vehicle. The bill passed the House Public Safety Committee today.
Law Enforcement/Trash Vehicles: **HB 2449** by Rep. Terry O’Donnell (R-Catoosa) regulates traffic approaching a vehicle used in the collection of refuse, solid waste or recyclables displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps. The bill has been assigned to the House Public Safety Committee.

Law Enforcement/Fire Arms: **SB 980** by Sen. Joseph Silk (R-Broken Bow) amends 21 O.S. Sections 1289.7 and 1289.13A authorizing any citizen, except a convicted felon, to transport in a motor vehicle a rifle or shotgun, open and unloaded, at any time. Any citizen 21 years of age or older, except a convicted felon, may transport in a motor vehicle a pistol open, loaded or unloaded for the purpose of self-defense without a valid handgun license issued pursuant to the Oklahoma Self-Defense Act, provided, the citizen is not involved in a crime. A citizen without a valid handgun license may leave a concealed, loaded pistol in a parked or unattended, locked vehicle provided, the citizen is in legal control of the pistol when away from his or her own personal residence or business. In the absence of reasonable and articulable suspicion of other criminal activity, a citizen possessing an unconcealed weapon in a vehicle shall not be disarmed or physically restrained by any law enforcement officer. The bill has been assigned to the Senate Public Safety Committee.

Law Enforcement/Firearms: **SB 1009** by Sen. Kevin Matthews (D-Tulsa) amends 21 O.S. Section 1289.25 authorizing the use of deadly force. Subsection D is rewritten to authorize deadly force for a person who is not engaged in unlawful activity and is attacked “without provocation”, in any place they have a right to be and “is unable to safely retreat” if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another. The bill removes current language that the person has “no duty to retreat and has the right to stand his or her ground” and current language authorizing deadly force to “prevent the commission of a forcible felony”. The bill has been assigned to the Senate Public Safety Committee.

Law Enforcement/Officer Involved Actions: **SB 1010** by Sen. Kevin Matthews (D-Tulsa) authorizes the Attorney General to make rules establishing procedures for reporting by law enforcement agencies of an officer-involved injury or death and when a non-law enforcement officer discharges a firearm and causes injury or death to an officer. An officer-involved injury or death means an incident during which a peace officer discharges a firearm causing injury or death to another. The bill contains details including time periods and reporting requirements. The bill has been double assigned to the Senate Judiciary Committee and the A&B Committee.

Law Enforcement/Firearms: **SB 1015** by Sen. Joseph Silk (R-Broken Bow) amends 21 O.S. Section 1277 regarding unlawful carry of concealed or unconcealed handguns into a structure owned or leased by the state, federal government or political subdivisions. The bill requires these governments to have a security checkpoint attended by a commissioned peace officer at each public entrance for the detection of weapons, it adds any courthouse or courtroom and adds an exclusion for unlawful carry to a structure designated as a park, recreational area, or fairgrounds. In addition, any political subdivision is added to the immunity from liability in 21 O.S. Section 1290.24. This immunity shall not apply to claims pursuant to the Administrative Workers’ Compensation Act. The bill has been assigned to the Senate Public Safety Committee.

Municipal Audits/Income: **SB 888** by Sen. Roger Thompson (R-Okemah) amends the municipal audit requirements of 11 O.S. Section 17-105. Municipal income shall not include any grant monies provided to a municipality from any federal, state or other governmental entity. The bill has been assigned to the Senate General Government Committee.

Municipal Court/Flooding Barricades: **HB 2249** by Rep. Brian Renegar (D-McAlester) amends 47 O.S. Section 11-1302 making it unlawful when a highway or county road has been closed to traffic due to flooding for a person to damage or remove or drive through or around any traffic-control device or barricade, or otherwise enter the closed area. Violation of this provision is a misdemeanor with a penalty provision contained in the bill including the payment of restitution equal to the actual cost of emergency response and repair or replacement of any emergency equipment and for any damage to property or injury or death to persons caused by the violation. At the request of OML, Rep. Renegar is filing a committee substitute to include “city streets” as well. The bill has been assigned to House Public Safety Committee.

Municipal Court/Motorcycle: **HB 2260** by Rep. Chuck Hoskin (D-Vinita) creates a certified Motorcycle Safety Foundation rider course. The bill passed out of the House Public Safety Committee today.

Municipal Court/Penalty Assessment: **HB 2321** by Rep. Ben Loring (D-Miami) amends 28 O.S. Section 153 by increasing fees for every traffic case other than driving under the influence, misdemeanor and felony cases of driving under the influence and each juvenile case. Funding to the District Attorneys Revolving Fund is
increased. The bill has been assigned to the House A&B Judiciary Subcommittee.

Municipal Court/Nonpayment of Fines: HB 2383 by Rep. Regina Goodwin (D-Tulsa) amends 22 O.S. Section 983 regarding nonpayment of fines by a defendant. The defendant found guilty shall not be imprisoned for nonpayment of the fine, cost, fee or assessment if the trial court finds he is financially unable to pay. In addition, current law authorizing the suspension of driving privileges upon nonpayment is removed. The bill has been assigned to the House A&B Judiciary Subcommittee.

Municipal Court/Expungement: HB 2397 by Rep. Travis Dunlap (R-Bartlesville) amends 22 O.S. Section 18 regarding persons authorized to file a motion for expungement. Added is authorization for a person convicted of not more than two nonviolent felony offenses, not listed in Section 571 of Title 57, who has received a full pardon for both of the nonviolent offenses, with no felony or misdemeanor charges pending and at least 20 years have passed since the last misdemeanor or felony conviction. In addition, 22 O.S. Section 19 is amended by removing “district attorney” and substituting “prosecuting agency”. The bill has been assigned to the House Judiciary and Civil Procedure Committee.

Municipal Court/Texting: SB 879 by Sen. Don Barrington (R-Lawton) amends the prohibition on texting while driving clarifying the $100 fine in current law. With the amendment, the fine includes “all court costs and fees” which shall not exceed $100. The bill has been assigned to the Senate Public Safety Committee.

Municipal Easements/Mowing: SB 1007 by Sen. Earl Garrison (D-Muskogee) amends 11 O.S. Section 22-111 impacting governmental entities, public utilities other entities given easements for rights-of-way or other purposes. These entities are responsible for maintenance of property within the boundaries of their easements in compliance with the provisions of this section or municipal ordinances enacted pursuant to the provisions of this section. Such entities may pay the landowner or tenant to provide maintenance in compliance with the provisions of this section or municipal ordinances enacted pursuant to the provisions of this section. In addition, “owner” is rewritten to include the “entity responsible for easements or rights-of-way on a property.” The bill has been double assigned to the Senate General Government Committee and Senate A&B Committee.

Municipal Operations/Newspaper Redefined: HB 2408 by Rep. George Faught (R-Muskogee) amends 25 O.S. Section 106 redefining a legal newspaper to include one published “continuously and uninterruptedly” in “either paper or electronic form, with a demonstrable consistent readership base in the form of either access logs or paid circulation.” The bill has been assigned to the House Government Oversight and Accountability Committee.

Municipal Operations/Streets: HB 2451 by Rep. Mark Lepak (R-Claremore) amends 11 O.S. Section 36-113 regarding the authorization for counties to construct, improve, repair or maintain any streets of a municipality having a population of greater than 5,000 persons, but less than 15,000 persons. The bill removes the 15,000 population limitation. The bill has been assigned to the House County & Municipal Government Committee. (OML SUPPORTS)

Municipal Operations/Jurisdiction over Municipal Property: HB 2523 by Rep. Dennis Casey (R-Morrison) amends 11 O.S. Section 22-116 which authorizes municipalities to have jurisdiction over any real property within or without its corporate limits belonging to the municipality. The amendment removes the 350,000 population limit in current law. In addition, in the event of dual municipal jurisdiction, municipalities are authorized to enter into cooperative agreements defining and regulating the governing jurisdiction. The bill has been assigned to the House County & Municipal Government Committee. (OML SUPPORTS)

Municipal Recall Process: SB 1563 by Sen. Rob Standridge (R-Norman) in addition to the methods of recall, every elected officer of any type of municipality of this state is subject to recall from office at any time by the qualified electors entitled to vote for a successor to the incumbent. The bill establishes procedures for the recall of an elected officer of a municipality. It allows municipalities to supplement by ordinance provisions necessary to implement the recall petition process. It permits qualified electors to initiate the recall of an elected official by signing a petition which demands the election of a successor to the officer named in the petition. It requires the petition contain a general statement, consisting of two hundred words or less, stating the ground or grounds on which the recall is sought. The bill states that the statement is for the information of the electors which will be the sole and exclusive judges of the legality, reasonableness, and sufficiency of the ground or grounds assigned for the recall. The bill otherwise provides that the ground or grounds will not be open to review. The bill requires a petition to recall any elected officer be signed by 15 percent of qualified electors of the entire votes cast at the last preceding general election for all candidates for the office which the incumbent sought to be recalled occupies. It requires a petition for recall elections of
elected municipal officials be filed with the municipal clerk in which the recall of the elected official is sought and that the municipal clerk certify the sufficiency of the petition and call and conduct the election. The bill requires the petitions be circulated for 90 days. It prohibits a petition from being circulated until it has been approved as meeting the requirements of the act. It requires the municipal clerk to approve or disapprove a petition as to form by the close of the second business day following submission of the proposed petition. The bill provides that the name of the municipal official who was sought to be recalled will not be eligible as a candidate in the election to fill any vacancy resulting from the recall election. It requires the election of a successor be held at the same time as the recall election. It requires the names of those persons filing as candidates to succeed the person sought to be recalled to appear on the ballot but prohibits any vote cast to be counted for any candidate for the office unless the voter also voted for or against the recall of the person sought to be recalled. The bill has been assigned to the Senate Rules Committee. (OML OPPOSES)

Municipal Utilities/Electric Restructuring: HB 2422 by Rep. Bobby Cleveland (R-Slaughterville) repeals the Joint Electric Utility Restructuring Task Force in 17 O.S. Sections 190.1, 190.2, 190.3, 109.4, 190.5 and 190.21. The bill has been assigned to the House Utilities Committee.

No Jail for Paint Act/Nuisance: HB 3022 by Rep. Kevin Calvey (R-OKC) prohibits municipalities from adopting any ordinance creating a criminal offense or imposing a criminal fine or penalty for failure of a property owner to maintain or clean the structure or exterior of property. The bill has been assigned to the House County and Municipal Government Committee. (OML OPPOSES)

Open Meeting Act/Public Body: HB 2301 by Rep. Chris Kannady (R-OKC) amends the definition of “public body” in the Open Meeting Act to include any association of county commissioners that is supported in whole or in part by public funds, entrusted with the expenditure of public funds or that administers public property. The bill has been assigned to the House Government Oversight and Accountability Committee.

Open Records Act/Internet: HB 2281 by Rep. Jason Murphey (R-Guthrie) amends the Open Records Act. If any public body which makes requested records available on the Internet the public body shall meet the obligation of providing prompt, reasonable access to its records as required by 51 O.S. Section 24A.5 (5). The bill has been assigned to the House State Government Operations Committee.

Opens Records Act/Increasing Copying Fee: HB 2307 by Rep. Jerry Shoemake (D-Okmulgee) amends the Oklahoma Open Records Act by increasing the copying fee from no more than 25 cents to no more than 50 cents. The bill has been assigned to the House A&B Committee. (OML SUPPORTS)

Open Records Act/Increasing Copying Fees: SB 986 by Sen. Eddie Fields (R-Wynona) increases copying fees for records of public bodies from a maximum of 25 cents to 50 cents per page and from a maximum of $1 to $2 per copied page for a certified copy. The bill has been double assigned to the Senate General Government Committee and Senate A&B Committee. (OML SUPPORTS)

Open Records/Social Security Numbers: HB 2510 by Rep. Lisa Billy (R-Purcell) amends the Open Records Act at 51 O.S. Section 24A.5. It makes all social security numbers included in a record confidential regardless of the person’s status as a public employee or private individual and shall be redacted or deleted prior to release of the record by the public body. The bill has been assigned to the House State Government Operations Committee.

Operations/Fair Pay for Construction Act: HB 2598 by Rep. Justin Wood (R-Shawnee) amends 61 O.S. Section 226 regarding the five percent (5%) retainage in a construction contract. Sixty (60) days after completion of the subcontractor’s scope of work under the contract, the subcontractor may submit a request to both the general contractor and owner for release of all retainage held pursuant to this section that is due to the subcontractor. The bill contains additional time frames. The bill has been assigned to the House Business, Labor and Retirement Laws Committee.

Pension/State Commission: HB 2258 by Rep. Randy McDaniel (R-Edmond) amends the duty of the Oklahoma State Pension Commission in a number of ways including reporting on changes to investment policy and securities lending program and short-term investment funds. The bill has been assigned to the House Business, Labor and Retirement Laws Committee.

Pension/OPERS: HB 2264 by Rep. Randy McDaniel (R-Edmond) and Sen. Jason Smalley (R-Stroud) amends the employee contribution provision of the Oklahoma Public Employee Retirement System. The bill passed the House Business, Labor and Retirement Laws Committee on Tuesday.

Pension/Police IRA: HB 2273 by Rep. Randy McDaniel (R-Edmond) and Sen. Jason Smalley (R-Stroud) amends the Police Pension System’s definition of “final
average salary” and “paid base salary”. The bill passed the House Business, Labor and Retirement Laws Committee on Tuesday.

Prohibition of Local Control: SB 1289 by Sen. Josh Brecheen (R-Durant) prohibits municipalities and counties from enacting ordinances, resolutions, rules and regulations not in conformity with state statutes on the same subjects, unless the municipality is otherwise expressly authorized by statute. It adds that those municipalities will also be prohibited from implementing an ordinance, resolution, rule, or regulation that conflicts with or is more stringent than a state statute regardless of when the statute takes effect. The bill has been assigned to the Senate General Government Committee. (OML OPPOSES)

Public Finance/State Bond Advisor: SB 1315 by Sen. Josh Brecheen (R-Coalgate) requires request proposals for certain services from individuals or firms prior to engaging the services of underwriters, bond or other legal counsel, financial advisors, consultants, a financial institution to serve as trustee, paying agent or in any fiduciary capacity in connection with the sale or placement of any bond, note, lease or other obligation sold to construct or acquire any facility for the use or benefit of a local school district or municipality. The bill has been assigned to the Senate Finance Committee.

Sales Tax/Increasing County Maximum Sales Tax Rate: HB 2310 by Rep. Johnny Tadlock (D-Idabel) amends 68 O.S. Section 1370 by increasing the maximum county sales tax from 2% to 3.5%. The bill has been assigned to the House A&B Revenue and Taxation Subcommittee.

Sales Tax/Person: HB 2650 by Rep. Seneca Scott (D-Tulsa) amends 68 O.S. Section 1352. A person in the Oklahoma Sales Tax Code does not include another sovereign government that is not a political subdivision of this state, and that sells goods or services only within that government’s own jurisdiction. The bill has been assigned to the House A&B Committee.

Sales Tax/Exemption: HB 2652 by Rep. Seneca Scott (D-Tulsa) creates a new sales tax exemption for a 501(c)(3) organization whose primary purpose it to provide military service members, veteran and their families with connection, honor and support through a peer-based venue to facilitate a successful transition to civilian life or to help with the Veterans Administration claims process. The bill has been assigned to the House A&B Committee.

Taxation/Tax Credit Reauthorization Act: HB 2690 by Rep. David Brumbaugh (R-Broken Arrow) creates the Tax Credit Reauthorization Act which, effective January 1, 2017, limits any legislation creating a tax credit to three (3) taxable years. A tax credit means any method by which the gross amount of a state tax liability is reduced to a net amount. The bill contains exceptions and details. The bill has been assigned to the House A&B Revenue and Taxation Subcommittee.

Taxation/Delinquent: HB 2691 by Rep. David Brumbaugh (R-Broken Arrow) amends 68 O.S. Section 217 (A) and (B) changing delinquent tax interest for unpaid taxes imposed or levied by any state tax law from one and one-quarter percent (1 ¼%) per month to the London Interbank Offered Rate (LIBOR) for the immediately preceding month. The bill has been assigned to the House A&B Revenue and Taxation Subcommittee.

Transportation/Outdoor Advertising: HB 2553 by Rep. Harold Wright (R-Weatherford) amends 69 O.S. Section 1273 regarding outdoor advertising on highways altering the definition of “relocation permit”. All potential relocation sites which comply with all applicable federal, state, county or municipal codes or regulations must be exhausted before a relocation permit can be issued for a location not in compliance with all applicable restrictions on outdoor advertising signs set forth in a municipal or county code or ordinance. This language is also placed in 69 O.S. Section 1275. The bill has been assigned to the House Transportation Committee.


Water/Emergency Drought: HB 2646 by Rep. Kevin Wallace (R-Wellston) amends 2 O.S. Section 16-26 by providing that agricultural producers burning cropland, rangeland, forests or pastures as a preferred method of managing their property shall not be required to abide by any resolution passed by a board of county commissioners that declares a period of extreme fire danger. The bill contains conditions and requirements for agricultural producers to take advantage of this change to current law. The bill has been assigned to the House County & Municipal Government Committee.

Water/Oil & Gas Recycling Program Act: HB 2651 by Rep. Seneca Scott (D-Tulsa) amends 52 O.S. Section 139 expanding the enforcement of Oklahoma Water Quality Standards by the Corporation Commission in
responding to emergency situations having potentially critical environmental, public safety “or private property damage” impact and “that are or may be” resulting from activities within its jurisdiction. In addition, in certain emergency situations regarding underground injection well activity the Commission may act to modify, vacate, amend or terminate and underground injection well order or permit. Finally, it creates the Oil and Gas Recycling Program Act to reduce and recycle oil and gas waste whenever feasible under the direction of the Corporation Commission. The bill contains definitions and details. The bill has been assigned to the House A&B Natural Resources and Regulatory Services Subcommittee.

Water/Repeal Reuse Working Group: **HB 2441** by Rep. Bobby Cleveland (R-Slaughterville) repeals the water reuse and variances working group established in 27A O.S. Section 2-6-109. The bill has been assigned to the House Environmental Law Committee.

Water/Beneficial Uses: **HB 2446** by Rep. Terry O’Donnell (R-Catoosa) declares the protection of beneficial uses of bodies of water a “compelling state interest”. Beneficial uses “shall be”: emergency water supply, public and private water supply, fish and wildlife propagation, agriculture, recreation, navigation and aesthetics. The bill has been assigned to the House Energy and Natural Resources Committee. (OML SUPPORTS)

Water/Regional Preference: **SB 878** by Sen. Josh Brecheen (R-Coalgate) creates the Oklahoma Water Sustainability Act which provides a statutory preference to “first seek to maximize the efficient use of water resources available within each” geographic region of this state. OWRB is given authority to develop water plans and projects in furtherance of the Act. Water plans and projects should be developed to maximize existing reservoirs, increase water storage and minimize transportation and evaporative losses of water used for agricultural purposes, manage and augment aquifer recharge rates and implement system water loss audits, water reuse projects and system sustainability projects. OWRB is given rule making authority. The bill has been double assigned to the Senate Rules Committee and Senate A&B Committee.

Workers Compensation: **HB 2638** by Rep. Kevin Wallace (R-Wellston) amends 68 O.S. Section 6101 regarding rebates for assessments paid to the credit of the Multiple Injury Trust Fund. This rebate shall only apply to assessments due for calendar years beginning on or after January 1, 2016, but shall not affect the right of any party to a rebate for an assessment paid in any prior calendar year. In addition, the bill that provides the rebate shall be claimed by any workers’ compensation carrier with 150 or more full-time year-round Oklahoma employees that maintains continuously during the year in which the assessment is paid a home office in this state in a building owned or leased by the carrier. The bill contains definitions. The bill has been assigned to the House Insurance Committee.

**NEXT WEEK AT THE CAPITOL**

**Monday, February 8, 2016**  
Senate General Government Committee  
Room 230 at 10:30 a.m.

Municipal Board of Adjustments: Proposed Committee Substitute for **SB 1341** by Sen. Greg Treat (R-OKC) modifies language related to the board of adjustment. During the pendency of such an appeal, the effectiveness of a decision of the board of adjustment shall not be suspended unless a party applies to the district court for a stay pending the district court's determination of the merits of the appeal. Notice of such application shall be given by first class mail to all parties to the district court appeal and to any applicant before the board of adjustment. Upon filing of an application for stay in the district court, all proceedings in furtherance of the action appealed from shall be temporarily stayed pending the outcome of a hearing regarding the stay, which shall be conducted within 30 days of application. The Court shall determine whether to impose a stay by considering the following factors: (i) the likelihood of success on the merits by the party seeking to impose the stay, (ii) irreparable harm to the property interests of the party seeking to impose the stay if the stay is not imposed, (iii) relative effect on the other interested parties, and (iv) public policy concerns arising out of the imposition of the stay. If the court determines to impose a stay, the court shall require a bond or other security shall be posted within 5 days of the courts determination; provided, that a municipal governing body shall not be required to post a bond. Subject to subsection A of Section 990.3 of Title 12 of the Oklahoma Statutes, a stay pursuant to this subsection shall automatically dissolve after a judgment, decree or final order resolving the merits of the appeal is filed with the court clerk. Notwithstanding any provision of law to the contrary, stays in appeals from the board of adjustment to the district court shall be obtained only as set forth in this section.

Public Funds/Taxpayer Transparency Act: **SB 1342** by Sen. Greg Treat (R-OKC) and Rep. Tom Newell (R-Seminole) modifies the Taxpayer Transparency Act. It modifies the definition of "expenditure of state funds" to the term "expenditure of funds" and amends the
definition to include state and federal funds. It requires that the Open Books 2.0 website include data which track the expenditures of federal funds by program for the fiscal year 2017 and each fiscal year thereafter.

Senate Pension Committee
Room 230 after Session Adjourns

Pensions/Firefighters: SB 1021 by Sen. Don Barrington (R-Lawton) updates the termination date to December 31, 2016, by which local firefighter pension and retirement boards of participating employers of the Local Firefighters Pension and Retirement System’s powers, duties and functions must be assumed by the Executive Director unless certain circumstances arise.

Pensions/Firefighters: SB 1022 by Sen. Don Barrington (R-Lawton) clarifies language related to the transfer of Roth and non-Roth funds in the Oklahoma Firefighters Pension and Retirement System.

Tuesday, February 9, 2016
Senate Finance Committee
Room 535 at 10:30 a.m.

Oklahoma Sales Tax Code Task Force: SB 1275 by Sen. Clark Jolley (R-Edmond) creates a Task Force to conduct a comprehensive study of the Oklahoma Sales Tax Code to include, but not be limited to:
1. A review of state and local sales tax rates in Oklahoma and how the state and combined rates compare to other states;
2. A review of the state sales tax base and how that base compares to other states, specifically the extent to which services are included in the tax base;
3. A review of sales tax exemptions in the Sales Tax Code;
4. The impact of Oklahoma’s participation in the Streamlined Sales and Use Tax Agreement;
5. The potential impact of Congressional or court action on states’ ability to tax sales by vendors without a nexus in the state; and
6. Such other matters related to sales as the Task Force deems relevant. (OML SUPPORTS)

House A&B Public Safety Subcommittee
Room 432A at 1:30 p.m.

Law Enforcement/Controlled Dangerous Substances: HB 2430 by Rep. Charlie Joyner (R-Midwest City) authorizes the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to implement a drug conviction database of persons convicted in this state under the provisions of the Uniform Controlled Dangerous Substances Act.

Law Enforcement/Blue Alert Act: HB 2747 by Rep. Richard Morrissette (D-OKC) creates the Oklahoma Blue Alert Act to rapidly disseminate useful information if a law enforcement officer has been killed or seriously injured and the investigating agency has information identifying a suspect or the suspect poses a serious risk to the public or law enforcement. The bill contains details, definitions and duties for the Commissioner of Public Safety.

Wednesday, February 10, 2016
House A&B Committee
Room 432A at 4:30 p.m. or After Adjournment 2

E-Fairness - HB 2925 by Reps. Jason Dunnigton (D-OKC) and Chad Caldwell (R-Enid) modifies the definition to “maintaining a place of business in this state” and its application. The bill modifies definitions relating to use tax. (OML SUPPORTS)

Nine-One-One: HB 3126 by Rep. Josh Cockroft (R-Tecumseh) creates the Oklahoma 9-1-1 Management Authority Act and defines related terms. The bill establishes the Oklahoma 9-1-1 Management Authority for the purpose of overseeing the development and regulation of 9-1-1 emergency systems in this state and managing the distribution of all 9-1-1 telephone fees. The bill establishes the membership of the authority and provides guidance for filling vacancies. The bill outlines the duties and powers of the Authority including the authority to request the Tax Commission escrow the wireless fees attributable to the public agencies which have not submitted a master plan or which have not complied with the terms of a master plan approved by the authority. The bill directs the Office of Management and Enterprise Services to promulgate rules. It also repeals statutory language related to the Nine-One-One Wireless Emergency Number Act. (OML SUPPORTS)

Ambulance Service Districts: HB 3133 by Rep. Josh Cockroft (R-Tecumseh) authorizes the formation of ambulance districts by agreement of two or more political entities. The bill updates statutory language and reduces the required signatures for the required petition for formation from 25 percent to 10 percent. The bill authorizes the county to have the power to raise revenue in any manner allowed by federal and state law including billing for charges for county-owned ambulance services, sales of ambulance subscriptions, ad valorem taxes from an existing ambulance district, or assessments on gross proceeds or gross receipts derived from all sales or services which are not tax exempt in the county to cover the cost of the district. The bill allows a public utility to recover the cost of collecting pass-through fees as
determined by the Corporation Commission. It also exempts any utility company, whether public or private, from any liability in any civil action incurred by the ambulance district. It also requires any private utility operating within the ambulance district or territory to have the option of collecting a pass-through fee to protect the health and safety of the people in its service area.