

2017 OML Legislative Overview

Bills of Municipal Interest that did NOT Pass

On February 6th, the First Session of the 56th Legislature began at noon with the Governor's State of the State address. This year Session began with 44 new legislators and over 2,200 bills were filed. A revenue shortfall of \$868 million was also part of this new legislative session. Teacher pay increases, REAL ID reform, and the budget were among the top issues the State addressed this year.

OML was once again busy representing Oklahoma cities and towns at the State Capitol. Some of the hot topics were diversifying municipal revenue sources, attacks on local control, civil asset forfeiture, guns, protection of municipal sales tax, and many other issues that are driven by the legislators' constituents.

Listed below are just a few of the issues OML opposed and were instrumental in stopping:

Civil Asset Forfeiture: SB 523 by (fmr) Sen. Kyle Loveless (R-OKC) attempted to reform the Civil Asset Forfeiture law that would have hindered law enforcement efforts. It was never heard in committee.

Elections: SB 409 by Sen. Rob Standridge (R-Norman) limits when cities can hold elections. This bill amends election dates in 26 O.S. Section 3-101 in a variety of ways. Under (B) municipalities, technology center school districts, or other political subdivisions are authorized to have regular or special elections for any purpose. Municipalities with a population over 500,000 is added to (B) for an election on the second Tuesday of December in an odd-numbered year. Under (C) municipalities, technology center school districts or other political subdivision are removed from any existing election dates.

Freedom to Prosper Act: HB 1460 by Rep. Jon Echols (R-OKC) would have limited the authority of political subdivisions to create new occupational licenses, creating preemption, limits on fees and the like. The bill placed a cap on fees associated with licensure, created a low-income fee waiver program, and provided for license reciprocity with other states. After visiting with Rep. Echols about our concerns, this bill was never heard on the House floor.

Local Preemption: SB 694 by Sen. Josh Brecheen (R-Coalgate) would have preempted municipalities even those with charters from implementing ordinances or regulations that were more stringent than State statutes. The bill died on the Senate floor by a vote of 18-25.

Oklahoma Right of Conscience Act: SB 197 by Sen. Joseph Silk (R-Broken Bow) creating the Oklahoma Right of Conscience Act granting rights to a natural person, privately-held business or church or recognized religious organization and prohibiting actions by governmental entities was on the agenda but was pulled shortly after SB 694 failed.

Municipal Court Preemption/Drug Charges: HB 1122 by Rep. Scott Biggs (R-Chickasha) would have preempted municipalities from the entire field of legislation in the prosecution of offenses related to the possession of controlled dangerous substances, except for marijuana. The bill died in the Senate Judiciary Committee by a vote of 5-5.

No Jail for Paint Act: HB 1691 by Rep. Kevin Calvey (R-OKC) prohibited 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 a property. OML worked with the members of the Oklahoma Code Enforcement Association (OCEA) to stop this bill in the House County and Municipal Government committee. The bill initially failed in the House County and Municipal Government Committee by a vote of 5-6. Rep. Calvey left the committee and then came back to say he was going to strike the title and amend the language to

only deal with liens. The bill then passed committee by a vote of 8-2. Rep. Calvey brought the bill on the House floor and struck the title with no change to the language. It passed the House floor.

The bill was assigned to the Senate General Government Committee. Just an hour before the Senate General Government Committee meeting, Rep. Calvey had a meeting with OML, OCEA, and county treasurers to try and work on the language. An agreement was not reached and the bill died in Senate General Government Committee by a vote of 4-6.

Open Meetings: HB 2244 by Rep. Bobby Cleveland (R-Slaughterville) would have required a minimum mandatory time set aside for questions at each meeting that is open to the public pursuant to the Oklahoma Open Meeting Act.

Preemption/Firearms: HB 2322 by Rep. Jeff Coody (R-Grandfield) and Sen. Nathan Dahm (R-Broken Arrow) was a full preemption that included "Any order, policy, ordinance, or regulation by any municipality, agency or other political subdivision of this state". Any existing or future orders, policies, ordinances, or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection c of this sections are null and void." OML sent out an Action Alert the morning the bill was scheduled to be heard on the Senate floor. The first attempt at the bill failed Tuesday morning by a vote of 23-22. Sen. Dahm quickly captured the bill and held it on a Motion to Reconsider. OML sent out an Action Alert and the members reacted again. When the bill was brought up that afternoon the Motion to Reconsider failed by a vote of 22-18.

Preemption/Firearms: SB 275 by Sen. Nathan Dahm (R-Broken Arrow) and Rep. Jeff Coody (R-Grandfield) preempted the municipalities from passing any regulations, ordinances or policies relating to prohibition of firearms. The bill also changed the standard for a person "adversely affected" by any order, ordinance or regulation and increasing penalties for violation of the preemption requirements including reasonable expenses including attorney fees, expert witness fees, court costs, costs and compensation for lost income. The bill did not receive a hearing in the House committee.

Preemption/Firearms: SB 6 by Sen. Josh Brecheen (R-Coalgate) and Rep. Jeff Coody (R-Grandfield) was an omnibus firearm preemption bill. It never made it out of conference committee.

Prosperity Zones: HB 2132 by Speaker Charles McCall (R-Atoka) created the Prosperity States Compact. The bill allowed the creation of a Prosperity District by petition of all landowners within the district's proposed boundaries. A Prosperity District would be the sole governing authority within its borders, and would replace all state laws except the state constitution, criminal law, common law and existing state compacts. The measure described the method for petitioning to form a Prosperity District, as well as its powers and limitations. The bill was assigned to Senate Rules Committee. At the Board meeting in March, upon the recommendation from the Legislative Committee, the Board voted to oppose this measure.

EFFECTIVE DATE OF BILLS SUMMARY:

There are four ways that a bill can go into effect. If the measure has only an emergency clause, it will go into effect upon the Governor's signature. However, if a bill has an effective date, the new law will go into effect on the date declared in the bill. If there is no effective date or emergency clause included, the law automatically becomes effective 90 days after Sine Die adjournment. If the bill has an effective date and an emergency clause, as do most appropriation measures, it will go into effect on the effective date. If the bill says "not codified," these sections of law do not require permanent inclusion in state statutes, such as appropriations sections or matters of a limited-time nature.

HOUSE BILLS OF MUNICIPAL INTEREST THAT PASSED:

Firearms/Unlawful Carry: [HB 1104](#) by Rep. Bobby Cleveland (R-Slaughterville) and Sen. Nathan Dahm (R-Broken Arrow) amends unlawful carry of firearms by creating an exemption for county elected official acting in the performance of their duties within the courthouse of the county in which he or she was elected. The bill takes effect on November 1, 2017.

Employment/Unemployment: [HB 1110](#) by Rep. Randy McDaniel (R-Edmond) and Sen. Dan Newberry (R-Tulsa) amends the Employment Security Act of 1980 in a number of ways including changing the definition of “experience period”, “computation of benefit amount”, and alterations to the benefits for employees of governmental or nonprofit employers, changes to professional employer organizations and the like. In addition, new law provides for a rate reduction for technology reinvestment apportionment, the creation of a technology fund and provisions for administration of the technology fund. The bill repeals 40 O.S. Section 3-809 regarding group accounts for two or more employers. The bill takes effect on July 1, 2017.

Police Pension/Distributions: [HB 1119](#) by Rep. Randy McDaniel (R-Edmond) and Sen. Marty Quinn (R-Claremore) amends the Police Pension System’s definition of “eligible retirement plan” and “distributee”, alters beneficiary of a deceased member’s distribution choice and authorizes the Board to obtain from any participating employer and CLEET information to determine pension system eligibility. The bill went into effect on May 1, 2017.

Municipal Court/Domestic Violence: [HB 1121](#) by Rep. Ryan Martinez (R-Edmond) and Sen. Stephanie Bice (R-OKC) creates the Oklahoma Domestic Violence Court Act of 2017. Subject to the availability of funds, any district or municipal court of record may establish a domestic violence court program as a specialized judicial process for domestic matters both civil and criminal under the bills requirements. The bill takes effect on November 1, 2017.

Law Enforcement/Trespass: [HB 1123](#) by Rep. Scott Biggs (R-Chickasha) and Sen. Bryce Marlatt (R-Woodward) creates new law regarding the penalty for trespass or entry into property containing a critical infrastructure facility. The bill contains definitions, both misdemeanor and felony provisions and authorizes a fine of 10 times the fine contained in the bill for an organization that is found to be a conspirator. The bill went into effect on May 3, 2017.

Sales Tax/Veterans: [HB 1198](#) by Rep. Tommy Hardin (R-Madill) and Sen. Frank Simpson (R-Ardmore) amends the veteran’s sales tax exemption by adding the requirement that the veteran is registered with the new veterans registry created by the Oklahoma Department of Veterans Affairs. An exception is made for those veterans who have previously received the sales tax exemption.

Section 1 of the bill takes effect on November 1, 2017. Sections 2 through 12 will take effect on November 1, 2020.

Employment/Employment Agents: [HB 1233](#) by Rep. Mike Osburn (R-Edmond) and Sen. Adam Pugh (R-Edmond) changes from the Department of Labor to any court of competent jurisdiction in handling matters regarding not fulfilling contract made through employment agents in 40 O.S. Section 46. The penalty section in 40 O.S. Section 57 is altered to authorize any “applicant or employee” to seek criminal enforcement through request made to any district attorney or the Attorney General. 40 O.S. Section 35, 38 and 53 are repealed. The bill takes effect on November 1, 2017.

CLEET/Training: [HB 1263](#) by Rep. Matt Meredith (D-Tahlequah) and Sen. Dewayne Pemberton (R-Muskogee) amends CLEET training requirements. It authorizes reserve officers who have completed the 240 hour certification program and who have been in active service in that capacity for the past six (6) months shall be eligible to attend a 360 hour basic full-time academy to become certified as a full-time officer. The bill takes effect on November 1, 2017.

Engineers/Licensing: [HB 1282](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Dan Newberry (R-Tulsa) contains over 20 sections impacting engineers in a variety of ways by adding a definition of “professional structural engineer” for structural engineering analysis and design services for “significant structures”. Significant structures will be defined by the State Board of Licensure for Professional Engineers and Land Surveyors. This extensive bill contains additional definition changes, amended duties for the Board, expenditure of funds and the like. 59 O.S. Section 475.12, as amended by Section 4, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2016, Section 475.12) is repealed. The bill takes effect on November 1, 2017.

Code Inspection/Construction Industries Board: [HB 1283](#) by Rep. Kevin Wallace (R-Wellston) and Sen. Dan Newberry (R-Tulsa) impacts the ability of municipalities and other political subdivisions to perform code inspection via a third party. A “building and construction inspector” means any person actively engaged in the inspection of any phase of building and construction “by the political subdivision having 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 code including structural “building” inspectors. A “building official” means the “licensed employee code official having the duty to administer and the authority to enforce building codes in the political subdivision”. New definitions of “certification”, “inactive building and construction inspector”, “provisional license”, “report writer” and “authorized agent” are added. Various changes are made to 59 O.S. Section 1036 and a new law section is added creating an “authorized agent” which is one who is not a governmental employee but an independent contractor. The bill takes effect on November 1, 2017.

Alcoholic Beverages/Public Property: [HB 1302](#) by Rep. Casey Murdock (R-Felt) and Sen. Stephanie Bice (R-OKC) makes a number of changes regarding alcohol beverages including powdered alcohol, various alcohol-related licensees.

Sections 1, 3 and 5 will take effect on July 1, 2017.

Section 1 will be repealed on October 1, 2018.

Sections 2, 4, and 6 will take effect on October 1, 2018.

CAFO/Municipal Setback: [HB 1304](#) by Rep. Casey Murdock (R-Felt) and Sen. Darcy Jech (R-Kingfisher) amends 2 O.S. Section 20-3 regarding concentrated swine feeding operations by altering its definition to include any new operation established after November 1, 2011, with more than 100 animal units. In addition, the restriction on its location within three (3) miles of a municipality is changed by authorizing the governing body to execute a written waiver of the setback. A change in ownership of the operation shall not affect the waivers validity. The bill takes effect on November 1, 2017.

Highways/Right-of-Way: [HB 1305](#) by Rep. Casey Murdock (R-Felt) and Sen. Larry Boggs (R-Wilburton) authorizes the County Commissioners, along the county highway system, to issue permits to authorize and regulate harvesting hay along the right-of-way. Details include liability, storing the hay, priority for the abutting land owners, permit fees and regulatory authority. The bill takes effect on November 1, 2017.

Underground Facilities Act: [HB 1376](#) by Rep. Weldon Watson (R-Tulsa) and Sen. Bryce Marlatt (R-Woodward) amends the Oklahoma Underground Facilities Damage Prevention Act by removing “any city, town, county, subdivision thereof or other governmental entity” from the definition of “public agency”. In addition, 63 O.S. Section 142.9 is amended by requiring “any person” who caused damage to an underground facility to notify the operator. The bill takes effect on November 1, 2017.

Property Registration: [HB 1381](#) by Rep. Carol Bush (R-Tulsa) and Sen. Dave Rader (R-Tulsa) provides a municipality is not prohibited from requiring the owner of property that is the subject of any abatement process to provide the name, physical address and telephone number of an

individual to receive and respond to communications concerning the property subject to the abatement process. The bill takes effect on November 1, 2017.

Nuisance/Agricultural Activities: [HB 1388](#) by Rep. John Pfeiffer (R-Mulhall) and Sen. Eddie Fields (R-Wynona) amends 50 O.S. Section 1.1 relating to what constitutes an agricultural nuisance. Changes are made to established date of operation and the penalty provision is expanded if an action for nuisance is found to be frivolous “or malicious”. The bill takes effect on November 1, 2017.

Sales Tax/Remote Sales: [HB 1427](#) by Rep. Kyle Hilbert (R-Depew) and Sen. James Leewright (R-Bristow) creates the Out-of-State Tax Collections Enforcement Act of 2017. It states the Tax Commission may establish the Out-of-State Tax Collections Enforcement Division. The Commission may contract with or employ out-of-state auditors. The bill takes effect on November 1, 2017.

Law Enforcement/Firearms/Military: [HB 1428](#) by Rep. Kyle Hilbert (R-Depew) and Sen. Jason Smalley (R-Stroud) creates the Handgun Carry Military Age Exemption Act creating a provision for eligibility for a handgun license by allowing individuals under the age of 21 who are active or veteran military members to qualify for eligibility for a license. The bill takes effect on November 1, 2017.

Transportation/Population Cap: [HB 1464](#) by Rep. Jon Echols (R-OKC) and Sen. Nathan Dahm (R-Broken Arrow) amends 11 O.S. Section 36-113 regarding county construction, improvement, repair or maintenance of municipal streets. It changes current law’s county population limit of 500,000 to 150,000. The bill takes effect on November 1, 2017.

REAL ID Act/Child Passenger Safety: [HB 1465](#) by Rep. Jon Echols (R-OKC) and Sen. Nathan Dahm (R-Broken Arrow) prohibits the sharing of personal information or biometric data with the federal government directly, except as required by the REAL ID Act of 2005. Data may also be shared between agencies, boards, commissions or political subdivisions or as otherwise permitted by law.

The bill also allows a child passenger being transported by a driver of a vehicle who has been issued a detachable placard indicating physical disability or a physically disabled license plate and valid letter of forward-facing exemption issued from the Department of Public Safety is permitted to transport a child under four (4) years of age in a forward-facing child passenger restraint system. The placard and forward-facing exemption letter must be present in the vehicle to be in compliance. The bill went into effect on June 6, 2017.

Public Utility Provider/Domestic Abuse: [HB 1466](#) by Rep. Elise Hall (R-Oklahoma City) and Sen. A J Griffin (R-Guthrie) amends the Protection from Domestic Abuse Act regarding utility providers. To ensure those with a protective order can maintain a household utility account and an existing wireless telephone number the court may issue an order to the providers to transfer billing responsibility to the petitioner if the petitioner is not the account holder. The bill takes effect on November 1, 2017.

Jails/Cost: [HB 1483](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) increases the number of days from three to five business days after a court orders a judgment and sentence for the county to transmit to the Department of Corrections information about the sentence and adds language requiring the Department of Corrections to establish a method of issuing receipts. The bill contains further details. The bill takes effect on November 1, 2017.

Water/Aquifer Storage: [HB 1485](#) by Rep. Weldon Watson (R-Tulsa) and Sen. A J Griffin (R-Guthrie) amends 27A O.S. Section 2-6-101 by providing a definition of “aquifer storage and recovery (ASR)”. It means delivery of water into an aquifer for later recovery and use. DEQ is

authorized to issue permits for limited-scale pilot projects for ASR. In addition, 27A O.S. Section 2-6-401 is amended to provide that no person shall “begin” any construction work for a municipal treatment works, nonindustrial wastewater treatment system, sanitary sewer system or other sewage treatment works, or any extension thereof, or make other changes without a “written” permit “to construct” issued by DEQ. The bill went into effect on May 22, 2017.

County Property/Tribes: [HB 1516](#) by Rep. Josh Cockroft (R-Tecumseh) and Sen. Chris Kidd (R-Addington) amends 19 O.S. Section 421.1 regarding the sale of materials, tools, apparatus, machinery or equipment to state agencies, political subdivisions or the sale, transferring, trading or otherwise disposing of equipment or materials. It adds tribal governmental entities. In addition, the procedure for the county selling surplus property is changed in 19 O.S. Section 421.2. The bill takes effect on November 1, 2017.

State/Debt Study: [HB 1533](#) by Rep. John Montgomery (R-Lawton) and Sen. Greg Treat (R-OKC) requires the State Bond Advisor to produce a written debt affordability study to determine Oklahoma’s debt position relative to its benchmark debt ratio of debt service as a percentage of revenues. Included are projections of future debt issuance, unfunded pension liabilities, relevant metrics and sensitivity analysis. The bill takes effect on November 1, 2017.

Local Public and Private Facilities and Infrastructure Act: [HB 1534](#) by Rep. John Montgomery (R-Lawton) and Sen. James Leewright (R-Bristow) creates the Oklahoma Local Public and Private Facilities and Infrastructure Act impacting local governmental entities responsible for the provision of public service which is or is proposed to be the subject of a contract. The bill contains definitions including the creation of a Local Partnership Committee appointed by the responsible governmental entity considering a public and private partnership. The bill takes effect on November 1, 2017.

Firearms/Unlawful Carry: [HB 1550](#) by Rep. George Faught (R-Muskogee) and Sen. Eddie Fields (R-Wynona) amends unlawful carry of firearms by changing the definition of “motor vehicle” to include a motorcycle as defined by the bill. The bill takes effect on November 1, 2017.

Litigation/Discovery Code: [HB 1570](#) by Rep. Jon Echols (R-OKC) and Sen. David Holt (R-OKC) makes a number of changes to the Oklahoma Discovery Code including on the scope of discovery for a government official who is served with notice of deposition or subpoena regarding a matter about which he or she has no knowledge. At a reasonable time prior to deposition date an affidavit may be submitted identifying a person within the government entity who has knowledge of the subject matter. The bill contains details. The bill takes effect on November 1, 2017.

Bond Advisor/State Treasurer: [HB 1583](#) by Rep. Chad Caldwell (R-Enid) and Sen. Eddie Fields (R-Wynona) This bill by Rep. Caldwell and Sen. Loveless creates 74 O.S. Section 373 consolidating the State Bond Advisor into the Office of State Treasurer. Changes include amending 62 O.S. Section 695.7 regarding removing local governmental entities from the current requirement for the bond advisor annual report on the issuance of indebtedness. New law defines a “public finance service provider” to include underwriters, bond or legal counsel, financial advisors, consultants and financial institutions who serve as trustee, paying agent or in any fiduciary capacity who seek to provide services to State or local government entities in the issuance of bonds, notes or other evidences of indebtedness”. These providers must make disclosure to the State Bond Advisor regarding financial contributions exceeding \$5,000 in any calendar year to certain nonprofit organizations and direct financial contributions exceeding \$100 in any calendar year to any elected official or employee of a State Governmental Entity or Local Governmental Entity to which financial services are to be provided. Prior to the selection of a public finance service provider by local government entities or their public trusts the disclosure shall be provided to each member of the governing body. The bill takes effect on November 1, 2017.

Bidding/Bond: [HB 1599](#) by Rep. Avery Frix (R-Muskogee) and Sen. Marty Quinn (R-Claremore) amends the bond or irrevocable letter of credit required by 61 O.S. Section 113. Current law requires the bond or letter of credit for a period of one (1) year after “acceptance” of the project. The bill substitutes the word “completion” when the awarding public agency is the Department of Transportation or the Oklahoma Turnpike Authority. The bill went into effect on April 25, 2017.

DNA Fee: [HB 1609](#) by Rep. John Enns (R-Enid) and Sen. Anthony Sykes (R-Moore) amends 20 O.S. Section 1313.2 by changing the DNA fee requirements for any person arrested or convicted of a felony or convicted of a misdemeanor offense by striking “unlawful carry of a firearm, illegal transport of a firearm, discharging of a firearm”. Similar changes are also made to 22 O.S. Section 991a and 74 O.S. Section 150.27a. The bill takes effect on November 1, 2017.

Law Enforcement/Criminal Proceedings: [HB 1671](#) by Rep. Todd Thomsen (R-Ada) and Sen. Greg McCortney (R-Ada) requires all criminal proceeding initiated against a CLEET-certified peace officer or reserve peace officer shall be reported by the officer to CLEET immediately after arrest or discovery of the filing of such criminal proceeding. Also, officers must report when a victim protective order has been issued against the officer. The bill takes effect on November 1, 2017.

Airport Inspection Program: [HB 1681](#) by Rep. Harold Wright (R-Weatherford) and Sen. Eddie Fields (R-Wynona) requires the Aeronautics Commission to administer airport inspections for all public-use airports. Airport owners, including individuals and municipalities, shall provide access to airport facilities for conducting inspections. The Commission shall provide a written report to each public-use airport detailing the findings of such inspections. The bill takes effect on November 1, 2017.

Motor License Agents/Cameras: [HB 1683](#) by Rep. Harold Wright (R-Weatherford) and Sen. Darcy Jech (R-Kingfisher) expands eligibility for cameras to be furnished to a motor license agent to include individuals located in a municipality with a population greater than 500 and located 15 miles or more from any other motor license agency. The bill takes effect on November 1, 2017.

Firefighter Pension/Distributions: [HB 1705](#) by Rep. Randy McDaniel (R-Edmond) and Sen. Marty Quinn (R-Claremore) amends the Firefighter Pension System changing the definitions of eligible rollover distribution, eligible retirement plan, distributee, direct rollover, mandatory distribution and adding provisions for the beneficiary of a deceased member. In addition, in the event of a Mandatory Distribution greater than \$1,000 made on or after June 28, 2018, if the member does not elect to have the distribution paid directly to an Eligible Retirement Plan specified by the member in the Direct Rollover or to receive the distribution directly, then the State Board shall pay the distribution in a Direct Rollover to an individual retirement plan. The bill went into effect on April 25, 2017.

Dual Office Holding: [HB 1759](#) by Rep. Katie Henke (R-Tulsa) and Sen. Dave Rader (R-Tulsa) exempts the prohibition on dual office holding someone who holds a county office and serves as a reserve force deputy sheriff, or a reserve special agent with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or a reserve municipal police officer. The bill went into effect on April 26, 2017.

Law Enforcement/Destruction of Materials: [HB 1811](#) by Rep. Ben Loring (D-Miami) and Sen. Wayne Shaw (R-Grove) amends 21 O.S. Section 1024.4 to clarify the procedures related to the destruction of obscene material or child pornography. It changes current law by adding codefendants and mandating the law enforcement act “with the consent of the district attorney”. The bill takes effect on November 1, 2017.

State Fire Marshal/Abolishes Council on Firefighter Training: [HB 1833](#) by Rep. Mike Sanders (R-Kingfisher) and Sen. A J Griffin (R-Guthrie) increases funding for the Fire Marshal

Fund, abolishes the Council on Firefighter Training and all duties transferred to the State Fire Marshal. The bill will take effect on July 1, 2017.

Oklahoma Emergency Response Systems Development Act: [HB 1843](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Stephanie Bice (R-OKC) modifies the definition to "stretcher van passenger" in relation to the Oklahoma Emergency Response Systems Development Act, by adding an exemption for the use of oxygen in instances where the patient has a standing medical order for oxygen. The bill takes effect on July 1, 2017.

REAL ID Act: [HB 1845](#) by Speaker Charles McCall (R-Atoka) and Pro Tempore Mike Schulz (R-Altus) creates REAL ID Compliant Driver License or Identification Card for compliance with the Federal REAL ID Act of 2005. The bill creates a bifurcated system that allows individuals to continue to keep their current license or purchase a REAL ID card for an additional \$5. The bill went into effect on March 2, 2017.

Tax Code/Study: [HB 1856](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Stephanie Bice (R-Oklahoma City) creates a 16 member Task Force for the Study of the Oklahoma Tax Code. The comprehensive study includes:

1. A review of all potential sustainable revenue streams which could be made available to different levels of government;
2. A review of all potential sustainable budget cuts which could be implemented by the different levels of government; and
3. Such other matters related to tax as the Task Force deems relevant.

The makeup of the committee is as follows:

1. The Governor shall appoint:
 - a. one person representing a municipality with a population of less than fifty thousand (50,000) persons,
 - b. one person representing a statewide nonprofit organization, the membership of which consists primarily of municipalities organized under the laws of the State of Oklahoma and which organization supports the functions of such municipalities,
 - c. one person representing a statewide nonprofit organization, the membership of which consists primarily of counties organized under the laws of the State of Oklahoma and which organization supports the function of such counties,
 - d. five persons with business experience, one from each of the state's Congressional Districts. Two members shall represent small businesses and one shall represent large businesses. Two members shall be landowners having the majority of their income from farming and ranching. For purposes of this section, a "small business" shall mean a for-profit enterprise consisting of fifty or fewer full-time or part-time employees, and a "large business" shall mean a for-profit enterprise consisting of more than fifty full-time or part-time employees;
2. The President Pro Tempore of the Senate shall appoint:
 - a. one person representing municipalities with a population in excess of four hundred thousand (400,000) persons according to the latest Federal Decennial Census,

- b. one person representing a municipality with a population in excess of fifty thousand (50,000) persons but not in excess of one hundred thousand (100,000) persons according to the latest Federal Decennial Census,
- c. one person who is a landowner having a majority of his or her income from farming and ranching,
- d. one person who serves as a member of a Senate committee with jurisdiction over the budget of the Oklahoma Tax Commission, and
- e. one person who serves as a member of the Senate Finance Subcommittee; and

3. The Speaker of the House of Representatives shall appoint:

- a. one person representing a municipality with a population in excess of one hundred thousand (100,000) but not in excess of four hundred thousand (400,000) persons according to the latest Federal Decennial Census,
- b. one person who serves as a member of a House of Representatives committee with jurisdiction over the budget of the Oklahoma Tax Commission, and
- c. one person who serves as a member of the House of Representatives Revenue and Taxation Subcommittee.

The Task Force shall hold its organizational meeting no later than September 30, 2017. Their final report must be submitted to the Governor, President Pro Tempore and the Speaker by December 1, 2018. The bill takes effect on July 1, 2017.

Public Funds/Bonds: [HB 1949](#) by Rep. John Jordan (R-Yukon) and Sen. Nathan Dahm (R-Broken Arrow) creates new law requiring local governments at least 30 days prior to a vote on a bond or other evidence of indebtedness to publish on their website a description of the projects or assets that will be acquired, improved or repaired together with a description of any unpaid or unfinished bond approved by the voters preceding the date of the vote on the bonds to be issued and a detailed description of the use of the previous bond proceeds. If to acquire or improve real property, the description shall include a physical address using a street number or some other method by which the location of the property can be identified. If the local government does not have a website then the information must be assessable through some other method using the Internet. If there is no reasonable method the entity shall publish at least once in a newspaper of general circulation. The bill takes effect on November 1, 2017.

Law Enforcement/Trespass: [HB 2128](#) by Rep. Mark McBride (R-Moore) and Sen. A J Griffin (R-Guthrie) provides that an individual arrested or convicted for trespassing may be held liable for any damages to personal or real property while trespassing. Vicarious liability for damages is created for a person or entity that compensates or remunerates a person for trespassing. The bill takes effect on November 1, 2017.

Sales Tax/Tourism Development Act: [HB 2131](#) by Rep. Jon Echols (R-Oklahoma City) and Sen. Greg Treat (R-Oklahoma City) creates the Oklahoma Tourism Development Act to induce the creation of new or the expansion of existing tourism attractions. This is a comprehensive bill which creates “inducements” which is a sales tax credit under detailed requirements in Section 7 of the bill. The bill takes effect on November 1, 2017.

Aircraft Pilot and Passenger Protection Act: [HB 2179](#) by Rep. Charles Ortega (R-Altus) and Sen. Joe Newhouse (R-Broken Arrow) the bill allows a permittee to amend the permit under these conditions:

1. The amendment is to change the administrative items of the permit including the transfer of ownership rights. There shall be no limit to the number of times a permittee can request an amendment that is administrative in nature; or

2. The amendment is for the purpose of micro siting a structure that has been permitted, but not yet constructed. Micro siting shall allow for a structure to be moved four hundred (400) feet or less in a horizontal direction provided the new location will not impact an airport's instrument or visual approaches. A permittee can request to amend a permit for micro siting up to two times. A third micro siting request on the structure will require the permittee to file a new permit application. The bill takes effect on November 1, 2017.

Open Meeting Act/Minutes: [HB 2181](#) by Rep. Charles Ortega (R-Altus) amends 25 O.S. Section 115 requiring municipal clerks and minute clerks of the school board to produce tentative minutes of regular and/or special meetings. The minutes must be furnished "no later than the close of the business day" within "four (4) business" days, "excluding the day of the meeting," after "the meeting." Business days shall mean "Monday through Friday and does not include Saturday, Sunday or holidays legally declared by the State of Oklahoma." Please note, current law allows five (5) days. The bill takes effect on November 1, 2017.

Alcohol Beverage Permits/Movie Theaters: [HB 2186](#) by Rep. Katie Henke (R-Tulsa) and Sen. David Holt (R-OKC) modifies the definition of "motion picture theater" as it relates to the sale of low-point beer. It eliminates beer and wine licensing prohibitions related to motion picture theaters. It allows a retail license or permit to sell-low point beer to be issued to motion picture theaters. The bill requires that upon proof of legal age to consume alcohol, the patrons being served in a movie theater or other events are required to wear a wrist bracelet or hand stamp. This requirement shall only apply inside a motion picture theater auditorium where individuals under the legal age to consume alcohol are allowed. It repeals language related to low-point beer sales in motion picture theaters. The bill takes effect on October 1, 2018.

OTC/Impact Analysis: [HB 2209](#) by Rep. Marcus McEntire (R-Duncan) and Sen. A J Griffin (R-Guthrie) requires the Oklahoma Tax Commission to prepare an incidence impact analysis of a bill to change the tax system with increases, decreases, or redistributes taxes by more than \$20 million. The bill takes effect on November 1, 2017.

MAPC/County: [HB 2211](#) by Rep. Avery Frix (R-Muskogee) and Sen. Dave Rader (R-Tulsa) amends 19 O.S. Sections 863.9 and 863.10 regarding counties and the Metropolitan Area Planning Commission master plan for major streets or highways as part of a master plan for the physical development of an area. Changes include adding Commission staff authority including regulations to approve lot-splits, plats and other matters expressly identified in the regulations. Such delegated authority shall be reserved for action in which the Commission or its staff is acting in a ministerial capacity. The bill takes effect on August 25, 2017.

Record Retention/Sheriff: [HB 2232](#) by Rep. Glen Mulready (R-Tulsa) and Sen. Dan Newberry (R-Tulsa) amends 19 O.S. Section 517.1 regarding audio or video recordings from equipment attached to the law enforcement officer that depict anything other than an officer-involved shooting, use of lethal force, incidents involving medical treatment and the like. The bill takes effect on November 1, 2017.

OTC/Penalty and Interest: [HB 2252](#) by former Rep. Brumbaugh and Sen. James Leewright (R-Bristow) amends 68 O.S. Section 220 regarding interest or penalty by reason of a taxpayer's failure to file a report or return, failure to file in the correct form or failure to pay a state tax within the required time period. Waiver or remission of all or part of any interest or penalties in excess of \$25,000 shall not be effective unless approved by the district court. Current law's dollar limit is \$10,000. There is a new language in Subsection C for a voluntary disclosure agreement with

OTC which, among other criteria, does not apply to taxpayers who have not collected taxes from others, such as sales and use taxes or payroll taxes, and not reported those taxes. In Subsection F Taxpayers who meet all the qualifications in Subsection C, except those who have collected taxes from others, such as sales and use taxes or payroll taxes, and not reported those taxes, may enter into a modified voluntary disclosure agreement. The bill contains details of the voluntary disclosure agreement and the modified voluntary disclosure agreement. The bill takes effect on November 1, 2017.

Consumer Protection Act/Mixed Beverages Gross Receipts: [HB 2276](#) by Rep. Terry O'Donnell (R-Catoosa) and Sen. Greg Treat (R-OKC) exempts from the Oklahoma Consumer Protection Act the collection of gross receipts tax on mixed beverages, sales tax, or use tax, or asserted injuries or damages that are monies that have been collected as, or denominated as, gross receipts tax on mixed beverages, sales tax, or use tax, and which have been remitted to the Oklahoma Tax Commission or other governmental taxing authority. The bill takes effect on November 1, 2017.

Law Enforcement/Vehicle: [HB 2312](#) by Rep. Charles McCall (R-Atoka) and Sen. Mark Allen (R-Spiro) amends 47 O.S. Section 11-309 regarding driving in the left lane on divided roadways. The bill takes effect on November 1, 2017.

Sales Tax/Noncompliance Procedures: [HB 2343](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) amends 68 O.S. Section 1268.3 (A) regarding noncompliant taxpayer "operating under a sales tax permit" who within any consecutive 24 month period, has failed to file two reports or remit tax due for any two (2) months, as required under the provisions of any tax law. The taxpayer shall not be deemed noncompliant for nonpayment of income taxes. Paragraph (B) is amended by broadening current law to include the "provisions of any tax law". The bill takes effect on July 1, 2017.

Oklahoma Film Enhancement Rebate Program: [HB 2344](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) reduces the total amount of rebates available in any one fiscal year under the Oklahoma Film Enhancement Rebate Program from \$5 million to \$4 million. The bill takes effect on July 1, 2017.

Income Tax/Standard Deduction: [HB 2348](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) provides that for taxable years beginning on or after January 1, 2017, in the case of individuals who use the standard deduction in determining taxable income, there will be added or deducted, as the case may be, the difference necessary to allow a standard deduction in lieu of the standard deduction allowed by the Internal Revenue Code of 1986, as amended, as follows: \$6,350 for single or married filing separately; \$12,700 for married filing jointly or a qualifying widower with dependent child and; \$9,350 for head of household. The bill will take effect on January 1, 2018.

Manufacturing Facilities/Ad Valorem Exemption: [HB 2351](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) creates new law in 68 O.S. Section 2902.5 regarding manufacturing facilities applying for the exemption under 68 O.S. Section 2902. On or after November 1, 2017, manufacturing facilities shall be eligible to delay the five-year period of exemption from ad valorem taxes following the expiration or termination of the ad valorem exemption, abatement or other incentive provided through the tax incentive district established pursuant to the Local Development Act. The bill contains definitions and details. The bill takes effect on November 1, 2017.

Franchise Tax: [HB 2356](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) modifies the due and payable date for the franchise tax to May 1 for taxpayers that remitted the maximum amount of franchise tax for the preceding tax year. It provides if the payment is not paid on or before June 1 that penalties will be applied. The bill takes effect on November 1, 2017.

Sporting Event/Fee Increase: [HB 2361](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) assesses a new fee on the initial sale to professional sporting events involving ice hockey, baseball, basketball, football, arena football or soccer, in amounts as follows:

1. One Dollar (\$1.00) on each ticket priced at more than zero, but less than Fifty Dollars (\$50.00); and
2. Two Dollars (\$2.00) on each ticket priced equal to or greater than Fifty Dollars (\$50.00).

The bill will take effect on July 1, 2017.

Sales Tax/ Vendor Deductions: [HB 2367](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) repeals 68 O.S. Section 1367.1 and 1410.1 removing current deductions from sales and use tax collections respectively. The deduction from taxes due is 1% of tax due (with maximums) for vendors keeping records, filing reports and remitting taxes when due. The bill takes effect on July 1, 2017.

OTC/Amnesty: [HB 2380](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) creates new law authorizing and directing the Oklahoma Tax Commission to establish a Voluntary Disclosure Initiative for eligible taxes. A taxpayer shall be entitled to a waiver of penalty, interest and other collection fees due on eligible taxes if the taxpayer voluntarily files delinquent tax returns and pays the taxes due during the disclosure initiative. Among other taxes, this provision includes sales tax via 68 O.S. Section 1354 and use tax via 68 O.S. Section 1402. In addition, OTC is directed to establish a program focusing on education businesses, as well as identifying and registering businesses that are actively selling or leasing tangible personal property in Oklahoma without a permit. This program includes teams of OTC employees conducting visits to nonresidential retail businesses. The bill takes effect on July 1, 2017.

Agriculture Fees/Municipal Exemption Removal: [HB 2392](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) amends 2 O.S. Section 3-82 regarding license/certification fees for pesticide applications. The measure removes the fee exemption for governmental agencies and increases the annual registration fee from \$160 to \$210. The bill increases the maximum amount designated for the State Department of Agriculture Unwanted Pesticide Disposal Fund from \$100,000 to \$300,000. The bill takes effect on November 1, 2017.

Oklahoma Individual Health Insurance Market Stabilization Act: [HB 2406](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) creates the Oklahoma Individual Health Insurance Market Stabilization Act. Stabilization activities include establishment of a high-risk pool, reinsurance, hybrid programs or any combination thereof under the initial direction of the Oklahoma Insurance Commissioner. The bill contains details including definitions, eligibility, Board of Director duties including assessments, authority to apply for federal waivers and the like. The bill went into effect on June 6, 2017.

Workers' Compensation: [HB 2423](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) amends 40 O.S. Section 418 regarding each insurance carrier writing workers' compensation insurance and each self-insured employer authorized to make workers' compensation payments directly to employees. These entities shall pay to the OTC up to a sum equal to three-fourths of one percent (3/4 of 1%) of the total workers' compensation losses, excluding medical payments and temporary total disability compensation, based on the records of the Workers' Compensation Court of "Existing Claims or the Workers' Compensation Commission." The bill adds this payout is based on the proceeds being reasonable and necessary to accomplish the objectives of the Oklahoma Occupational Health and Safety Standards Act. The bill takes effect on July 1, 2017.

Motor Vehicles/Sales Tax: [HB 2433](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kimberly David (R-Porter) amends various sections of law to enact what appears to be a sales/use tax of 1.25% on the sale of motor vehicles. This is done by amending exceptions in current law. The wording is awkward. Specifically stated: “the sale of motor vehicles shall not be subject to any sales and use taxes levied by cities, counties or other jurisdictions of the state”. Amended is: 68 O.S. Sections 1355, 2106, 1361, 1402 & 1404. The bill went into effect on May 31, 2017.

SENATE BILLS OF MUNICIPAL INTEREST THAT PASSED:

Law Enforcement/Campus Police: [SB 12](#) by Sen. Josh Brecheen (R-Coalgate) and Rep. John R. Bennett (R-Sallisaw) permits private K-12 schools to establish police departments under the Oklahoma Campus Security Act. The bill takes effect on November 1, 2017.

Law Enforcement/Taxicabs: [SB 23](#) by Sen. Mark Allen (R-Spiro) and Rep. Steve Vaughan (R-Ponca City) amends 47 O.S. Section 1-174 changing the definition of taxicab and motor vehicle by reducing the passenger capacity for each from ten (10) to eight (8). Excluded are motor vehicles operating pursuant to the Oklahoma Transportation Network Company Act as provided for in Section 1011 of this title. The bill takes effect on November 1, 2017.

Driver Licenses/Employer Notification: [SB 24](#) by Sen. Mark Allen (R-Spiro) and Rep. Dustin Roberts (R-Durant) amends 47 O.S. Section 6-117 by enlarging existing law regarding employers or an “acting agent of an employer” to be notified should the driving record of a person reflect a traffic conviction which alters the status of the commercial driving privileges, “or any other change to the driving status.” Current law only applies to an employee who operates a commercial motor vehicle. The bill expands this to also include an employee who operates a “company-owned or personal” vehicle “during the course of business”. A fee is charged as detailed in the bill. This bill takes effect on November 1, 2017.

Fireworks: [SB 25](#) by Sen. Nathan Dahm (R-Broken Arrow) and Rep. Kevin McDugle (R-Broken Arrow) removes the prohibition on fireworks being sold or displayed to the public within any building or portion of a building or any vehicle that allows entry by any persons other than employees unless the fireworks are kept where they cannot be reached or handled by those persons. The bill went into effect on May 12, 2017.

Law Enforcement/Bus: [SB 26](#) by Sen. Mark Allen (R-Spiro) and Rep. Steven Vaughan (R-Ponca City) amends 47 O.S. Section 1-105 by changing the definition of bus by reducing the passenger capacity from ten (10) to eight (8) and striking the current exception for taxicabs. Bus shall not include a vehicle authorized for use via the Oklahoma Transportation Network Company Services Act as defined by 47 O.S. Section 1011. The bill takes effect on November 1, 2017.

Law Enforcement/OK Law Enforcement Telecommunication System (OLETS): [SB 28](#) by Sen. Roger Thompson (R-Okemah) and Rep. Avery Frix (R-Muskogee) requires the Department of Public Safety (DPS) to assess and collect a fee from subscribers of the Oklahoma Law Enforcement Telecommunications System. The funds and expenditures are for personnel, recurring use fees, necessary hardware and accessories, of equipment, maintenance and operational expenses of the system. The bill takes effect on November 1, 2017.

Human Trafficking/Minor: [SB 34](#) by Sen. Kimberly David (R-Porter) and Rep. Scott Biggs (R-Chickasha) amends human trafficking in 21 O.S. Section 748 by stating the lack of knowledge of the victim’s age shall not constitute a defense to human trafficking of a minor. The bill takes effect November 1, 2017.

Firearms/Licenses: [SB 35](#) by Sen. Kimberly David (R-Porter) and Rep. Kevin McDugle (R-Broken Arrow) allows an individual 21 years or older on active military or National Guard duty, regular military or National Guard reserve duty or retired or honorably discharged from military service and has a valid military identification card instead of a handgun license to carry a

concealed or unconcealed weapon without a handgun license. The bill also allows reserve deputy law enforcement offices from the list of those exempt from the training and qualification requirements. It also removes language requiring CLEET to establish criteria for providing proof of an exemption. The bill also allows out-of-state permit holders the right to carry unconcealed weapons. The bill takes effect on November 1, 2017.

Firearms/Definitions: [SB 36](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Bobby Cleveland (R-Slaughterville) modifies the definition of pistols, concealed handgun and unconcealed handgun as it relates to the Firearms Act and Oklahoma Self Defense Act. The bill takes effect November 1, 2017.

Municipal Court/Forensic Science Improvement Revolving Fund: [SB 38](#) by Sen. Roger Thompson (R-Okemah) and Rep. Kevin Wallace (R-Wellston) amends 20 O.S. Section 1313.4 to increase the Forensic Science Improvement Assessment from \$5 to \$10 per applicable offense. This fee is collected by municipal court clerks. The bill takes effect on November 1, 2017.

Law Enforcement/Fingerprinting Fee: [SB 39](#) by Sen. Roger Thompson (R-Okemah) and Rep. Kevin Wallace (R-Wellston) increases the fingerprinting fee to \$10 from \$5. The bill takes effect on November 1, 2017.

Firearms/Felony Pointing: [SB 40](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Bobby Cleveland (R-Slaughterville) amends current statutes on felony pointing of firearms to exclude an act of self-defense and armed security guards licensed by CLEET pursuant to the Oklahoma Security Guard and Private Investigator Act in the performance of their duties. In addition, pointing a weapon at a perpetrator in self-defense in order to stop a forcible felony or attempted forcible felony shall not be guilty of committing a criminal act. It also defines “defensive force”. The bill takes effect on November 1, 2017.

Law Enforcement/Driver License: [SB 52](#) by Sen. Jack Fry (R-Midwest City) and Rep. Scooter Park (R-Devol) requires a person to produce and provide physical possession of a driver license to a peace officer upon the officer's request. The bill takes effect on November 1, 2017.

Law Enforcement/Motorcycles: [SB 53](#) Sen. Jack Fry (R-Midwest City) and Rep. Tess Teague (R-Choctaw) amends 47 O.S. Section 12-602 regarding authorization for the operator of a motorcycle to use various forms of auxiliary lighting. The bill takes effect on November 1, 2017.

Fire Protection/Adjutant General: [SB 59](#) by Sen. Larry Boggs (R-Wilburton) and Rep. Josh West (R-Grove) permits the Adjutant General, pursuant to authority granted under 42 U.S.C. Section 1856a and applicable Army, Air Force or National Guard regulations, to enter into a reciprocal agreement with any city, county, town or municipal corporation or agency of the State of Oklahoma maintaining fire protection facilities in the vicinity of such property, for mutual aid in furnishing fire protection for such property and for other property for which such entity normally provides fire protection. The bill went into effect on April 24, 2017.

Utility Relocation/Right-of-Way: [SB 85](#) by Sen. Jack Fry (R-Midwest City) and Rep. Dustin Roberts (R-Durant) amends 69 O.S. Section 1205 regarding relocation of utility facilities for construction on the Interstate Highway System within municipalities of 5,000 or more. Federal funds, if available, may be used. In such event the municipality in which such construction is to be performed shall furnish funds to the state necessary to match the federal funds, “unless the utility requiring relocation is owned by another municipality having a population of 5,000 or more, in which case the municipal utility owner shall furnish the funds. The bill takes effect on July 1, 2017.

Law Enforcement/CLEET/Reserve Officers: [SB 88](#) by Rep. Todd Thomsen (R-Ada) and Sen. Greg McCortney (R-Ada) amends CLEET continuing law enforcement training requirements for inactive full-time “or reserve” peace officers. Changes are made to exemptions, penalty for failure

to meet annual training requirements and inactive status. The bill takes effect on November 1, 2017.

CLEET/Registration Fee: [SB 89](#) by Sen. Greg McCortney (R-Ada) and Rep. Todd Thomsen (R-Ada) increases the CLEET registration fee from \$20 to \$30 per pay to cover the costs of breakfast, lunch and “dinner” provided by CLEET. The bill takes effect on November 1, 2017.

Law Enforcement/Reserve Deputy Training: [SB 90](#) by Sen. Greg McCortney (R-Ada) and Rep. Todd Thomsen (R-Ada) increases the number of hours for the basic police course for reserve force deputy sheriffs to 240 hours from 160 hours. It also reduces the number of months in which the course must be completed to six months from 12 months. The bill takes effect on November 1, 2017.

Law Enforcement/Insurance Verification: [SB 115](#) by Sen. Ron Sharp (R-Shawnee) and Rep. Lewis Moore (R-Arcadia) amends several sections of Title 47 by moving current law’s online verification system for motor vehicle liability policies from the Department of Public Safety to the Oklahoma Insurance Department. In addition, law enforcement officers are authorized to access the online verification system through the license plate number. The bill takes effect on November 1, 2017.

Environment/CAFO: [SB 147](#) by Sen. Mike Schulz (R-Altus) and Rep. Casey Murdock (R-Felt) amends the Concentrated Animal Feeding Operations Act authorizing a written waiver by a municipal governing body for a feeding operation within three (3) miles of the corporate limits. A change in ownership of the property on which the animal feeding operation is located shall not affect the validity of the waiver. The bill takes effect on November 1, 2017.

Memorial Highway Designations: [SB 166](#) by Sen. Bryce Marlatt (R-Woodward) and Rep. Casey Murdock (R-Felt) designates the section of State Highway 15 beginning from the municipal limits of Woodward and extending west to the municipal limits of Fargo as the Bobby Jo Cudd Memorial Highway. The bill requires the state to take up the cost of the memorial sign for a law enforcement officer killed in the line of duty. The bill names highway 77 between Mulhall and Guthrie after fallen officer David Wade. The bill also removes the exemption from the requirement that the cost of signage on naming highways/bridges be paid by the group requesting the sign. Added to this exception are peace officers and first responders who have fallen in the performance of their duties. The bill takes effect on November 1, 2017.

Sales Tax Exemption/Domestic Violence: [SB 189](#) by Sen. Kay Floyd (D-OKC) and Rep. Claudia Griffith (D-Norman) exempts from sales tax sales of tangible personal property or services to an organization exempt from taxation under the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and operates as a collaborative model which connects community agencies in one location to serve individuals and families affected by violence and where victims have access to services and advocacy at no cost to the victim. The bill takes effect November 1, 2017.

Open Records Act/Record Reproduction: [SB 191](#) by Sen. Roger Thompson (R-Okemah) and former Rep. David Brumbaugh amends the Open Records Act by prohibiting a record from being unreasonably relayed until after completion of a prior records request that will take substantially longer than the current request. A delay is limited solely to the time required for preparing the requested documents and the avoidance of excessive disruptions to the public body’s essential functions. The bill takes effect on November 1, 2017.

Law Enforcement/Sex Offender Registration: [SB 217](#) by Sen. AJ Griffin (R-Guthrie) and Rep. Mike Osburn (R-Edmond) amends the Sex Offenders Registration Act in various ways including requiring certain offenders to report to local law enforcement. The bill takes effect on November 1, 2017.

Juveniles/Community Intervention Center: [SB 228](#) by Sen. A J Griffin (R-Guthrie) and Rep. Mark Lawson (R-Sapulpa) amends current law regarding the Office of Juvenile Affairs certifying community intervention centers that are established by one or more municipalities or one or more counties or “juvenile bureaus”. The bill authorizes “contracts” or subcontracts with one or more service providers and removes current law’s requirement of approval by the Office of Juvenile Affairs. The bill takes effect on November 1, 2017.

Employment/National Guard: [SB 233](#) by Sen. Frank Simpson (R-Ardmore) and Rep. Tommy Hardin (R-Madill) amends 44 O.S. Section 209 regarding a leave of absence for all officers and employees of the state or a political subdivision who are called to military duty. During the first 30 calendar days for employees of political subdivisions or the first 30 regular scheduled work days for state employees, “or not to exceed 240 hours,” of the leave of absence in any federal fiscal year, the officers or employees shall receive their full regular pay from the employing state agency or political subdivision. Provision is also made for “any subsequent contingency operation declared by the Secretary of Defense. The same change is made to 72 O.S. Section 48. The bill takes effect on November 1, 2017.

Sales Tax/Exemptions: [SB 235](#) by Sen. Roger Thompson (R-Okemah) and Rep. John Pfeiffer (R-Mulhall) expands the current exemption for the Oklahoma Tourism and Recreation Department to any person who has contracted with the Department to assist with the development and production of advertising, promotion, publicity and public relations programs promote the state. The bill takes effect on July 1, 2017.

Pensions/OPERS & OTRS: [SB 242](#) by Sen. Adam Pugh (R-Edmond) and Rep. Ryan Martinez (R-Edmond) adds the State Treasurer or a designee of the State Treasurer to the Oklahoma Public Employees Retirement System (OPERS) and the Oklahoma Teachers Retirement System Board of Trustees (OTRS). Also, the bill requires all appointees, including those not politically nominated, to serve at the pleasure of the appointing authority and may be removed and replaced without cause. The bill takes effect on August 25, 2017.

Victim Impact Panel: [SB 252](#) by Sen. A J Griffin (R-Guthrie) and Rep. Mike Osburn (R-Edmond) amends 22 O.S. Section 991a regarding Victims Impact Panel Programs by authorizing corporations registered with the Secretary of State to conduct the program. The bill provides details, certificate of completion and reporting duties for the provider of the panels. In addition, the victim impact panel program is amended by adding the requirement for persons who have committed the offense of operating a motor vehicle while using an electronic device. The bill takes effect on November 1, 2017.

Airports/Inspections: [SB 254](#) by Sen. Adam Pugh (R-Edmond) and Rep. Harold Wright (R-Weatherford) authorizes the Oklahoma Aeronautics Commission to administer an airport inspection program for all public-use airports on a three year cycle. Airport owners shall provide access to facilities. A written report will be provided to each public-use airport. The bill takes effect on November 1, 2017.

Crimes and Punishments: [SB 273](#) by Sen. Jason Smalley (R-Stroud) and Rep. Scott Biggs (R-Chickasha) amends 21 O.S. Section 888 by expanding the definition of sodomy. It adds to the definitions of forcible sodomy, rape, and sexual battery when committed by a person who has legal custody of the victim includes any subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state. The bill takes effect on July 1, 2017.

Oil and Gas/EPA: [SB 287](#) by Sen. AJ Griffin (R-Guthrie) and Rep. Weldon Watson (R-Tulsa) requires the Corporation Commission and DEQ to obtain authorization from the EPA to administer, within their respective jurisdictions, any program regulating oil and gas discharges into the waters of this state. For purposes of the federal Clean Water Act, any facility or activity subject to the jurisdiction of the Corporation Commission and any other oil and gas extraction

facility or activity requiring a permit for discharge of a pollutant or storm water to waters of the U.S. shall be subject to the direct jurisdiction and permitting authority of the Oklahoma agency having received delegation of this program from the EPA. The bill takes effect on November 1, 2017.

Firearms/Immunity: [SB 288](#) by Sen. J.J. Dossett (D-Sperry) and Rep. Jeff Coody (R-Grandfield) amends the immunity of persons, property owners, tenants, employers, holders of an event permit, place of worship or business entity that does not prohibit persons from carrying a concealed or unconcealed weapon pursuant to subsection F of Section 21 O.S. Section 1290.22. Immunity from liability is granted arising from the carrying of a concealed or unconcealed weapon, “while in the scope of employment”, on the property “or in or about a business entity vehicle.” The bill takes effect on November 1, 2017.

Tax Incentive District/Manufacturing Facility: [SB 293](#) by Sen. Kimberly David (R-Porter) and Rep. Leslie Osborn (R-Mustang) repeals 68 O.S. Section 2902.4. The bill takes effect on January 1, 2018.

Building Codes/Churches: [SB 312](#) by Sen. Frank Simpson (R-Ardmore) and Rep. Pat Ownbey (R-Ardmore) alters the code for churches which temporarily accommodate overnight visitors. A new alternative for a hard-wired stand-alone fire and smoke alarm or battery operated fire and smoke alarm is added to current law. The bill takes effect on July 1, 2017.

Public Construction Contracts/Posting Bids: [SB 321](#) by Sen. Marty Quinn (R-Claremore) and Rep. Avery Frix (R-Muskogee) amends 61 O.S. Section 104 by altering the notice requirements for proposals to award public construction contracts. The publication time is increased from current law’s at least 20 days to at least “21” days prior to the date set for opening bids. The bill takes effect on November 1, 2017.

Public Safety/Awards: [SB 324](#) by Sen. Jack Fry (R-Midwest City) and Rep. Mike Sanders (R-Kingfisher) creates the Oklahoma State Award Program Committee for awarding the Oklahoma Medal of Valor and Oklahoma Purple Heart for serious line of duty injuries for law enforcement and public safety members employed by municipal, county, state and federal agencies. The bill takes effect on November 1, 2017.

Exotic Swines/Prohibition: [SB 326](#) by Sen. Eddie Fields (R-Wynona) and Rep. John Pfeiffer (R-Mulhall) makes it unlawful to import or possess exotic swine of the family Suidae. This does not include pot-bellied pigs, teacup pigs and other swine or pigs commonly owned as domestic pets. It allows the State Veterinarian to grant exceptions for importation and possession by a zoo accredited by the Association of Zoos and Aquariums. The bill went into effect on May 31, 2017.

Municipal Court/Fines: [SB 342](#) by Sen. David Holt (R-OKC) and Rep. Terry O'Donnell (R-Catoosa) creates a task force to oversee an assessment of existing laws, policies and practices relating to fines, fees and costs assessed on persons interacting with the criminal justice process. Among the items studied will be the percentage of owed fees/fines/costs actually paid, how local and state government budgets are supported by fees/fines/costs and how fees/fines/costs contribute to jail and prison populations. The bill takes effect on July 1, 2017.

Sales Tax Exemption/National Guard: [SB 353](#) by Sen. Kim David (R-Porter) and Rep. Lewis Moore (R-Arcadia) creates a new sales tax exemption for sales to or by a 501 (c)(19) association known as the National Guard Association of Oklahoma. The bill takes effect on July 1, 2017.

Municipal Audit/Small Municipalities: [SB 354](#) by Sen. David Holt (R-OKC) and Rep. Mike Osburn (R-Edmond) amends 11 O.S. Section 17-105 impacting audits of municipalities with an income of at least \$25,000 and a population of less than 2,500. An annual financial statement audit is required in accordance with certain standards. Removed from current law is the

requirement for “fieldwork and reporting standards in Government Auditing Standards”. The bill takes effect on August 25, 2017.

Public Trust/Audit: [SB 358](#) by Sen. David Holt (R-OKC) and Rep. Mike Osburn (R-Edmond) amends 60 O.S. Section 180.1 regarding trusts with more than \$50,000 in revenues or assets, and for whom an annual financial statement audit is not required by another law. In current law, an annual audit of the trust’s financial statements is required in accordance with certain standards. Removed from current law is the requirement for “field work and reporting standards in Government Auditing Standards.” The bill takes effect on August 25, 2017.

Firearms/Bus Passengers: [SB 397](#) by Sen. Joe Newhouse (R-Broken Arrow) and Rep. Greg Babinec (R-Cushing) amends the Bus Passenger Safety Act by redefining “bus”, “deadly or dangerous weapon” and “passenger”. In addition, it removes current laws prohibition on anyone except an authorized law enforcement officer boarding a bus with a dangerous or deadly concealed weapon and authorizes discharge of any firearm into or within any bus if it deemed defensive force. The bill takes effect on November 1, 2017.

Open Meeting/Public Notice: [SB 403](#) by Sen. David Holt (R-OKC) and Rep. Elise Hall (R-OKC) amends the Open Meeting Act at 25 O.S. Section 311. At least 24 hours prior to the “regularly scheduled” meetings, all public bodies shall display public notice “by at least one of the following methods: posting at the principle office or at the location of the meeting if no office exists; on the public body’s Internet website in accordance with 74 O.S. Section 3102. In addition, the public body “shall offer and consistently maintain an email distribution system for distribution of such notice and any person may request to be included without charge, and their request shall be accepted. In lieu of these posting requirements, a public body may elect to follow the requirements found in subparagraph b of paragraph 9 of this subsection, provided that 48 hour notice is required for special meetings and that the 48 hour requirement shall exclude Saturdays, Sundays and holidays legally declared by the State. The bill takes effect on November 1, 2017.

Tire Recycling Fund/DEQ: [SB 426](#) by Sen. James Leewright (R-Bristow) and Rep. John Pfeiffer (R-Mulhall) amends various sections of Title 27A regarding the Oklahoma Used Tire Recycling Act. Included are new definitions, fees, agricultural equipment changes, and adding for reimbursement to DEQ. Reimbursement is authorized for necessary costs associated with remediation or other necessary actions at sites at which used tires or other wastes incidental to used tire present a threat to human health or environment, or for projects to increase market demand for products made from Oklahoma used tires. The bill takes effect on November 1, 2017.

Public & Private Facilities/Infrastructure: [SB 430](#) by Sen. James Leewright (R-Bristow) and Rep. John Montgomery (R-Lawton) creates the Oklahoma Public and Private Facilities and Infrastructure Act establishing within the Office of Management and Enterprise Services (OMES) and Office of Public-Private Partnerships. A Partnership Committee has the ability to identify potential public-private partnerships, review qualified bidders, and approve requests for proposals and to approve template contracts. The bill contains details on approval process for proposals, evaluation and reporting requirements. The performance of public services will constitute the performance of essential government functions and a project owned by the state shall be exempt from taxation. The gross receipts and income from a successful project under a contract via a project owned by the state “shall be exempt from taxation levied by the state and its subdivisions.” Any transfer or lease on items included or to be included in the project “shall be exempt from any taxes” if the state retains ownership. The bill takes effect on November 1, 2017.

Insurance/Surplus Lines Tax: [SB 438](#) by Sen. John Sparks (D-Norman) and Rep. Glen Mulready (R-Tulsa) amends 36 O.S. Section 1115 by providing the policies sold to any city or town in this state, incorporated pursuant to law, shall be exempt from the surplus lines premium tax. The bill takes effect on November 1, 2017.

Veteran Registry: [SB 456](#) by Sen. Joe Newhouse (R-Broken Arrow) and Rep. Kevin McDugle (R-Broken Arrow) creates an Oklahoma Department of Veterans Affairs registry of 100% service-disabled Oklahoma veterans. The bill takes effect on November 1, 2017.

Alcoholic Beverages/Excise Tax: [SB 486](#) by Sen. Stephanie Bice (R-Oklahoma City) and Rep. Glen Mulready (R-Tulsa) creates new excise taxes, creates and changes a number of licenses, amends 37A O.S. Section 6-109 regarding facilities and “property” owned or operated by any political subdivision or public trust of this state. It repeals a number of statutes. This comprehensive bill contains details. The bill went into effect on May 3, 2017.

Law Enforcement/Bail Bondsmen: [SB 525](#) by Sen. James Leewright (R-Bristow) and Rep. Michael Rogers (R-Broken Arrow) makes a number of related changes to the bail bondsmen statutes. Included in amendments to 59 O.S. Section 1320 regarding new duties for law enforcement to post the list of bondsmen permitted to write bail in that county “conspicuously near all telephones used by prisoners.” The list must be updated by the court clerk at least monthly. The list is made by the “court clerk of the county”. The bill takes effect on November 1, 2017.

Fire Sprinklers: [SB 531](#) by Sen. Robert Standridge (R-Norman) and Rep. George Faught (R-Muskogee) amends the Alarm, Locksmith and Fire Sprinkler Industry Act in a number of ways. This includes adding a definition of “integrated security system”, granting authority to the Department of Labor to regulate any advancements in technology that apply to the alarm, locksmith and fire sprinkler industry, specifying that a licensee pursuant to the Act shall not be required to obtain multiple licenses to install, repair or modify any component of an integrated security system, excluding commercial fire alarm and fire sprinkler systems. The bill takes effect on November 1, 2017.

Public Finance/Cooperative Purchasing Agreement: [SB 563](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Jason Murphey (R-Guthrie) authorizes any school district including a technology school district to participate in, sponsor, or administer a cooperative purchasing agreement for the acquisition of any commodities or services with one or more public agencies. This includes joint or multiparty contracts between public agencies and open-ended state public procurement contracts. Any local public procurement unit may participate in, sponsor, conduct or administer a cooperative or piggybacking purchasing agreement under the details in the bill. A local public procurement unit is any county, city, town, state agency, and any other subdivision of the state or public unit o agency thereof. The bill takes effect on November 1, 2017.

CLEET/Training: [SB 604](#) by Sen. Greg Treat (R-Oklahoma City) and Rep. Terry O'Donnell (R-Catoosa) amends law enforcement certification training for domestic violence and stalking investigation. It adds “personal safety planning necessary at the pretrial stages of a potential criminal case.” The bill takes effect on November 1, 2017.

Transportation Network/Website: [SB 631](#) by Sen. Marty Quinn (R-Claremore) and Rep. Jon Echols (R-OKC) amends 47 O.S. Section 1016 regarding transportation network company’s (TNC) software application or website. The bill covers employer/employee relationship and required insurance. The bill takes effect on November 1, 2017.

Memorial Highway/Bridge Designations: [SB 642](#) by Sen. Anthony Sykes (R-Moore) and Rep. Chris Kannady (R-OKC) designates the section of Interstate 44 from Southwest 119th Street extending south to Southwest 149th Street as LCPL Trevor A. Roberts Memorial Highway. It also names a bridge over North Aspen Avenue in Broken Arrow as the Rep. David Brumbaugh Memorial Bridge. The bill takes effect on November 1, 2017.

Municipal Court/IDEA 2: [SB 643](#) by Sen. Kim David (R-Porter) and Rep. Scott Biggs (R-Chickasha) This bill by Sen. David creates the Impaired Driving Elimination Act 2. This bill amends a number of Sections of Title 47 including testing requirements. This detailed bills' goal is to have effective and meaningful administrative monitoring by the Department of Public Safety of impaired driving offenders. Included are prosecutor duties when revocation of the driving privilege is mandatory and a deferred prosecution agreement is entered into, changes to revocation of driving privilege, ignition interlock device and restricted driver license, penalties, trial requirements and creation of the Impaired Driver Accountability Program at DPS. 47 O.S. Section 755 is repealed. The bill takes effect on November 1, 2017.

Alcoholic Beverages/Sales: [SB 646](#) by Sen. Stephanie Bice (R-OKC) and Rep. Glen Mulready (R-Tulsa) is a bill exceeding 30 sections and 110 pages impacting alcoholic beverage sales and licensing in a number of ways. Sections 6 and 66 amend municipal occupational tax authority in 37 O.S. Section 554.1 and 37A O.S. Section 4-104 respectively. In Section 554.1 new language provides "no licensee shall be held liable for engaging in business otherwise authorized under this title with any other retailer, mixed beverage, beer and wine, caterer, public event or special event licensee, bottle club, manufacturer, wholesaler or Class B wholesaler solely because such other party has failed to pay any occupational tax due under this section". In Section 4-104 new language provides "no licensee shall be held liable for engaging in business otherwise authorized under this title with any other retailer, mixed beverage, beer and wine, caterer, public event or special event licensee, bottle club, manufacturer, "wine and spirits wholesaler or beer distributor" solely because such other party has failed to pay any occupational tax due under this section." In addition, there are changes to several definitions in the Oklahoma alcoholic Beverage Control Act and the repeal of seven existing statutes.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 14 and 32 of this act shall become effective October 1, 2017. Sections 10, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31 of this act shall become effective October 1, 2018.

Water/Scenic Rivers: [SB 668](#) by Sen. Wayne Shaw (R-Grove) and Rep. Josh West (R-Grove) amends 82 O.S. Section 1453. It is recognized by the Legislature that an effective program for preserving the scenic beauty of the free-flowing streams and rivers designated as a scenic river area necessarily involves the cooperation and support of the people in the operating areas of a designated scenic river, people using the scenic river and the agencies of state government administering these areas. In addition, additional legal authority is transferred to GRDA in 82 O.S. Section 896.2. The bill takes effect on July 1, 2017.

N.W. Center for Behavioral Health/Ft. Supply: [SB 688](#) by Sen. Bryce Marlatt (R-Woodward) and Rep. Casey Murdock (R-Felt) amends 43A O.S. Section 3-111 by authorizing the Northwest Center for Behavioral Health at Fort Supply be transferred from the Department of Mental Health and Substance Abuse Services to the Department of Corrections for the incarceration of prisoners of minimum security classification. The bill takes effect on November 1, 2017.

Children's Code/Emergency Resource Center: [SB 718](#) by Sen. A J Griffin (R-Guthrie) and Rep. Mark Lawson (R-Sapulpa) amends the Oklahoma Children's Code in the definition section at 10A O.S. Section 1-1-105 by adding "children's emergency resource center". It is a community-based program providing emergency care and a safe and structured home-like environment or a host home for children which provides a number of items and services. The bill takes effect on November 1, 2017.

Veteran's Centers/Smoking: [SB 730](#) by Sen. Frank Simpson (R-Ardmore) and Rep. Pat Ownbey (R-Ardmore) removes the requirement that the Veteran's Centers in Oklahoma have to be non-smoking by January 1, 2018. The bill takes effect on November 1, 2017.

Urban Gardens Grant Act: [SB 749](#) by Sen. Kevin Matthews (D-Tulsa) and Rep. Monroe Nichols IV (D-Tulsa) creates the Urban Gardens Grant Act to be administered by the Department of

Agriculture, Food and Forestry. Entities that receive grants must be located in food deserts and serve residents of the community in which they are located. Applicants must show that an awarded grant will expand and stimulate economic activity in the low income areas served, as well as provide increased opportunities for the citizens of those low income areas to obtain healthier food options. It requires one-time grants of \$250,000 be provided to entities for the purchase of greenhouses and other materials to establish and operate an urban garden. It provides entities eligible to apply for the grants are nonprofit community organizations, churches, or other nonprofit organizations. It requires the urban gardens to grow healthy foods that are to be sold on site or at farmer's markets, produce stands and retailers located within the same community. The bill takes effect on November 1, 2017.

Law Enforcement/Controlled Dangerous Substances: [SB 770](#) by Sen. Robert Standridge (R-Norman) and Rep. Chris Kannady (R-OKC) adds several substances and removes one substance from the Controlled Dangerous Substances Act. The bill went into effect on June 6, 2017.

CLEET Fee: [SB 840](#) by Sen. Kimberly David (R-Porter) and Rep. Leslie Osborn (R-Mustang) increases the fee amount to be paid to the court for traffic offenses from \$9 to \$10, which would go to the Council on Law Enforcement Education and Training (CLEET). The bill takes effect on August 25, 2017.

Smoking Cessation Fee: [SB 845](#) by Sen. Kimberly David (R-Porter) and Rep. Leslie Osborn (R-Mustang) is essentially the prior bill on the cigarette tax without the allocation of funds to the Health Department and various hospitals. Now \$1 million goes to ABLE Commission and the remainder is in a new special fund will be budgeted by the Legislature.

The state or local governmental agency or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent smoking in public places:

1. Post conspicuous signs at entrances to and in prominent locations within places where smoking is prohibited which state that smoking is prohibited or that the indoor environment is free of tobacco smoke; and

2. Ask smokers to refrain from smoking upon observation of anyone violating the provisions of Section 1-1521 et seq.

The use of any tobacco product shall be prohibited on any and all properties owned, leased or contracted for use by the State of Oklahoma, including but not limited to all buildings, land and vehicles owned, leased or contracted for use by agencies or instrumentalities of the State of Oklahoma. Provided, these prohibitions shall not apply to the Oklahoma Veterans' Centers.

The bill takes effect on August 25, 2017. **This bill is currently being challenged. Oral Arguments are scheduled for August 8, 2017.

American Indian Cultural Center and Museum: [SB 872](#) by Sen. Kimberly David (R-Porter) and Rep. Leslie Osborn (R-Mustang) amends the American Indian Cultural Center and Museum in 73 O.S. Section 304.2 by adding : the "requirements for issuance of the additional obligations described by this section shall be deemed to have been fully satisfied by actions which include certification by the Director of OMES that at least \$10 million has been deposited in the American Indian Cultural Center and Museum Completion Fund, in accordance with the requirements of paragraph 1 of subsection B of Section 1226.19 of Title 74". In Section 2 of the bill, 74 O.S. Section 1226.19 is amended by striking the existing \$10 million language in Paragraph (B)(1). The bill went into effect on May 31, 2017.

LEGISLATION VETOED BY GOVERNOR FALLIN:

APA/Occupation: [HB 1552](#) by Rep. George Faught (R-Muskogee) and Sen. David Holt (R-OKC) altered the Administrative Procedures Act impacting state rulemaking regarding the scope of any occupation.

The veto message is as follows: I have VETOED [House Bill 1552](#).

This bill adds new language to require rules promulgated by agencies, boards, or commissions, which fall under Title 59 to be approved by the Legislature via a separate joint resolution. The Legislature currently has the ability to disapprove any rules by joint resolution. This bill reduces legislative accountability and creates a “default system” whereby legislative inaction may cause important or necessary rules to be automatically disapproved. I am also concerned that the term ‘scope of practice’ is not defined thus increasing the likelihood of litigation.

This bill is not consistent with my commitment to create a more productive and efficient state government. The bill does not constitute good public policy and does not further the well-being of the citizens of Oklahoma.

APA/Fee Increase: [HB 1553](#) by Rep. George Faught (R-Muskogee) and Sen. Anthony Sykes (R-Moore) altered the Administrative Procedures Act impacting state rulemaking regarding fee increases. It required the rules to be approved by joint resolution, provided that the resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. If the Legislature failed to approve the rule on or before the last day of the legislative session, the rule would have been deemed disapproved. Nothing in the session applied to approval of rules subject to the provision of subsection H of Section 308 of Title 75.

The veto message is as follows: I have VETOED [House Bill 1553](#).

This bill adds new language to require that rules promulgated by agencies, boards, or commissions that create new fees must be approved by the Legislature via a separate joint resolution. The Legislature currently has the ability to disapprove any rule by joint resolution. This bill reduces the legislative accountability and creates a “default system” whereby legislative inaction may cause important or necessary rules to be automatically disapproved.

This bill is not consistent with my commitment to create a more productive and efficient state government. The bill does not constitute good public policy and does not further the well-being of the citizens of Oklahoma.

Municipal Court/OSBI Fees: [HB 1670](#) by Rep. Todd Thomsen (R-Ada) and Sen. Greg McCortney (R-Ada) increased the OSBI DNA fee from current law’s \$9 to \$10 for each person convicted of an offense, including traffic offenses but excluded parking and standing violations, punishable by a fine of \$10 or more or by incarceration or any person forfeiting bond. (The Legislature passed SB 840 to correct this action.)

The veto message is as follows: I have VETOED [House Bill 1670](#).

House Bill 1670 creates a \$1.00 increase on an existing OSBI fee that is per offense, with the increase designated for deposit into the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund. However, in 1994, HB 2169 was passed and signed by the Governor, which terminated the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund. Therefore, there is no mechanism to deposit the new funds.

Small Loan Act/Preemption: [HB 1913](#) by Rep. Chris Kannady (R-Oklahoma City) and Sen. James Leewright (R-Bristow) created the Oklahoma Small Loan Act with over 25 sections of new law regulating various aspects of the business of making small loans including licensing, fees, surety bonds and a number of requirements. Included in section 26 was preemption language prohibiting local government units, including cities, towns and counties from regulating small plan loans.

The veto message is as follows: I have VETOED [House Bill 1913](#).

The citizens of Oklahoma already have access to a variety of high interest small loan (payday) lenders and use those lenders at record levels. In 2013, I vetoed Senate Bill 817 due to my concerns with the frequency of low-income families in Oklahoma were using these lending options, and the resulting high cost of repayment to those families.

House Bill 1913 adds yet another level of high interest borrowing (over 200% APR) without terminating or restricting access to existing payday loan products. In fact, I believe that some of the loans created by this bill would be MORE EXPENSIVE than the current loan options.

Currently, Oklahoma law limits borrowers to a loan of \$1,000.00 from pay day loan institutions. This bill would allow a borrower to receive a loan for an additional \$1,500.00, thus stacking their liabilities for repayment on these high interest loans.

Therefore, I request, that if the Legislature attempts to pursue these lending options in the future, that it seeks advice from all stakeholders, for example: consumer advocates, mainstream financial institutions, and my office, so that the resulting legislation will result in better services and options for the citizens of Oklahoma.

PERB Sunset: [SB 46](#) by Sen. Nathan Dahm (R-Broken Arrow) and Rep. John Jordan (R-Yukon) would have extended the sunset date for the Public Employees Relations Board (PERB) from July 1, 2016 to July 1, 2018.

The veto message is as follows: I have VETOED [Senate Bill 46](#).

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 46.

State Agency/Rule-Making: [SB 697](#) by Sen. Anthony Sykes (R-Moore) and Rep. George Faught (R-Muskogee) amended 75 O.S. Section 250.2 providing that all rulemaking authority shall be used only to implement law or policy as set by the Legislature. Within three (3) years all rules, including those already in existence shall include a specific reference to the state or federal statutory provision or federal regulation that delegates the authority for the rule. In addition, the definition of "rule" is altered by removing "interprets or prescribes" law or policy and adding "as delegated by the Legislature."

The veto message is as follows: I have VETOED [Senate Bill 697](#).

This bill makes a few significant changes to the Administrative Procedures Act (APA). First, the bill adds new language requiring agencies, boards, or commissions (agencies) to amend existing administrative rules to cite the federal or state statutory authority that gave the agency the power to promulgate the existing rules. While I understand the intent behind this amendment, I cannot in

good conscience sign this legislation during our current fiscal crisis. This creates a significant unfunded financial burden to all state agencies with administrative rules. Pursuant to the APA, all proposed administrative rules are filed with the Legislature, the Office of the Governor, and the Secretary of State for review and approval. The information is also available to the public at https://www.ok.gov/state/filings/public_search.php. Therefore, pursuant to 75 O.S. §§ 303(B)(4) and 303.1(E)(4), these agency rules were previously reviewed for federal and state statutory authority used to promulgate the proposed rules. While I am willing to support a change in the APA that requires a federal or state statutory citation for all new rule filings, I remain opposed to applying it retroactively.

Second, the bill further amends the definition of Rule under the Administrative Procedures Act to read, “[l]aw or policy as delegated by the Legislature,....” The Legislature already retains that power under 75 O.S. § 250.2. The Legislature and the Governor also have the authority to request that an agency review a rule to see if it needs to be amended, repealed, or redrafted. See 75 O.S. § 250.10.

Thank you again for all your tireless efforts and your dedication to making Oklahoma towns and cities THE BEST!!! Because of YOU, we were able to accomplish many of our goals for Oklahoma’s cities and towns.