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Oklahoma Municipal League

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OML ADVOCATE

ONE STEP CLOSER TO REAL ID REFORM

Today, [HB 1845](#) by Speaker Charles McCall (R-Atoka) and Pro Tempore Mike Schulz (R-Altus) passed the House by a vote of [78-18](#).

Mustang’s Representative Leslie Osborn presented the bill this morning on the House floor. HB 1845 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 \$5.00.

House and Senate leadership have worked with the executive branch and federal delegation on this issue. Earlier this year, the U.S. Department of Homeland Security told leadership that failure to act on this issue will result in denials of extension requests.

Without REAL ID, individuals would not be allowed to enter a federal building, military base or courthouse. Also, beginning January 22, 2018, individuals would not be allowed to board a commercial aircraft without a REAL ID or their current driver’s license and a passport.

PUBLIC SAFETY DISTRICT BILLS BEING HEARD MONDAY

[SB 345](#) by Sen. David Holt (R-OKC) creates the Public Safety Protection District Act via a vote of the people including an annual assessment based on assessed value of property in the district. If approved by the voters an annual assessment is levied of the approved number of mills on the dollar of assessed value. Proceeds may be used for equipment and salaries/benefit of employees who provide law enforcement and/or fire protection public safety services within the district, and municipal expenses related to housing prisoners.

This bill is being heard by the [Senate General Government Committee](#) on Monday, February 20th at 10:30 a.m. in room 230. Please contact the members and ask them to vote **“YES”** on SB 345.

[HB 1374](#) by Rep. Weldon Watson (R-Tulsa) is also scheduled to be heard on Monday, February 20th, in the [House A&B Subcommittee on General Government](#). Meeting is scheduled for 10:30 a.m. in room 412C. Please contact the committee and ask the members to vote “**YES**” on the bill.

OML has been working with the Cities of Tulsa, Oklahoma City, Lawton, Coalition of Tulsa Area of Governments (CTAG), Tulsa Chamber, IAFF, FOP and private businesses to get this bill passed.

BILLS ON THE MOVE

Airports: [SB 254](#) by Sen. Adam Pugh (R-Edmond) 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 passed the Senate A&B Transportation Subcommittee. It now awaits a hearing by the Senate A&B Committee.

Alcoholic Beverages/Public Property: [HB 1302](#) by Rep. Casey Murdock (R-Felt) amends current law providing that no special event license (37A O.S. Section 2-115) and no charitable alcoholic beverage event license (37A O.S. Section 2-129) shall be required for an organization, association or nonprofit corporation whose purpose is to promote economic development and business growth.

The bill passed the House Business, Commerce and Tourism Committee on Wednesday. It now awaits a hearing by the full House.

Bond Advisor/Public Finance Service Provider: [HB 1583](#) by Rep. Chad Caldwell (R-Enid) amends Title 62 regarding the State Bond advisor and creates a “public finance service provider” which is an underwriter for a general obligation bond issued by a political subdivision and an underwriter for a revenue bond issued by a trust formed via 60 O.S. Section 176 if a political subdivision is a beneficiary. Also included are financial advisors, consultants, financial institutions and the like. Disclosures must be made.

The bill passed the House Government Modernization Committee. It now awaits a hearing by the full House.

Bond Procedure: [HB 1949](#) by Rep. John Paul Jordan (R-Yukon) 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 passed the House Government Modernization Committee. It now awaits a hearing by the full House.

Cigarette Tax Increase: [HB 1841](#) by Rep. Leslie Osborn (R-Mustang) and Sen. Kim David (R-Porter) creates an additional \$1.50 tax per pack of cigarettes for use by seven funds in two separate time periods. The effective date is September 1, 2017.

From September 1, 2017 to June 30, 2018, the following funds will receive the apportionment as indicated: Health Care Authority Enhancement Fund (45%), Mental Health and Substance Abuse Services Enhancement Fund (28%), Human Services Enhancement Fund (13.5%), University Hospitals Enhancement Fund (5.4%), Oklahoma State University Medical Authority Enhancement Fund (5.4%) and the Health Department Enhancement Fund (2.7%). The funds may be spent for purposes authorized by the Oklahoma Legislature.

Starting July 1, 2018, 100% of the tax revenues go to the Health Care Enhancement Fund. The legislature will apportion the revenues to fund either (1) activities eligible to be matched with federal Medicaid dollars or (2) mental health safety net services.

This bill passed the full House A&B Committee on Monday. It now awaits a hearing by the full House.

Collective Bargaining/Public Property: [SB 647](#) by Sen. Anthony Sykes (R-Moore) and Rep. George Faught (R-Muskogee) prohibits political subdivisions from subletting or donating the use of public property to organizations that engage in collective bargaining.

The bill passed with the title stricken from the Senate General Government Committee on Monday. It now awaits a hearing by the full Senate.

Community Policing Standards: [HB 1353](#) by Rep. Monroe Nichols (D-Tulsa) and Sen. Kevin Matthews (D-Tulsa) creates the Oklahoma Community Policing Standards Task Force to study community policing standards, laws, best practices and training programs regarding the use of deadly force.

The bill passed the House Rules Committee. It now awaits a hearing by the full House.

Construction Industries Board: [HB 1280](#) by Rep. Kevin Wallace (R-Wellston) creates new authority for the Construction Industries Board including a website, contractual authority with Department of Career and Technology Education and establishment of the Skilled Trade Education and Workforce Development Fund.

The bill passed the House A&B Select Agencies Subcommittee on Tuesday. It now awaits a hearing by the full House A&B Committee.

County Commissioners/Real Property: [SB 417](#) by Sen. Rob Standridge (R-Norman) and Rep. Bobby Cleveland (R-Slaughterville) amends 68 O.S. Section 3129 regarding real estate sold by the county treasurer. For property within municipal corporate limits, if there is no bid equal to or greater than the sum required, the county treasurer shall bid off in the name of the municipality. All property shall be for the amount of all taxes, penalties, interest and costs due, and the county treasurer shall issue a deed to the municipality.

The bill passed with the title stricken from the Senate General Government Committee on Monday. It now awaits a hearing by the full Senate.

Department of Labor/Employee Agencies: [HB 1233](#) by Rep. Mike Osburn (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.

The bill passed the House Judiciary – Civil & Environmental Committee on Tuesday. It now awaits a hearing by the full House.

Law Enforcement/Firearms: [HB 1428](#) by Rep. Kyle Hilbert (R-Depew) and Sen. Smalley (R-Stroud) creates the Handgun Carry Military Age Exemption Act creating provision for eligibility for a handgun license.

The bill passed the House Judiciary – Civil & Environmental Committee on Tuesday. It now awaits a hearing by the full House.

Law Enforcement/Firearms: [HB 1550](#) by Rep. George Faught (R-Muskogee) amends unlawful carry of firearms by changing the definition of “motor vehicle” to include a motorcycle as defined by the bill.

The bill passed the House Judiciary – Civil & Environmental Committee on Tuesday. It now awaits a hearing by the full House.

Law Enforcement/Firearms: [HB 2322](#) by Rep. Jeff Coody (R-Grandfield) amends state preemption of firearms. It added “firearm and ammunition” components to what the State preempts and creates new penalties for a person adversely affected by an order, ordinance or regulation of a municipality or other political subdivision. A court can award reasonable expenses if a court grants a final determination in favor of the person adversely affected or the order, ordinance or regulation is rescinded after a lawsuit has been filed.

The bill passed the House Judiciary – Civil & Environmental Committee on Tuesday. It now awaits a hearing by the full House.

Law Enforcement/Firearms: [SB 40](#) by Sen. Micheal Bergstrom (R-Muskogee) amends current statutes on felony pointing of firearms to exclude an act of self-defense and armed security guards, private investigators licensed by CLEET.

The bill passed Senate Public Safety today. It now awaits a hearing by the full Senate.

Law Enforcement Telecommunications Systems: [SB 28](#) by Sen. Roger Thompson (R-Okemah) 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.

This bill passed the Senate A&B Public Safety and Judiciary Subcommittee on Wednesday. It now awaits a hearing by the full Senate A&B Committee.

Municipal Court/Jails: [SB 340](#) by Sen. David Holt (R-OKC) and Rep. Elise Hall (R-OKC) amends 11 O.S. Section 28-124 regarding jail time for a person convicted in a municipal court of record. If the defendant is without means to pay the fine or costs, and no undue hardship would result, the municipal judge may direct the defendant to perform community service at a rate of not less than the current federal minimum wage.

The bill passed the Senate General Government Committee on Monday. It now awaits a hearing by the full Senate.

Municipal Court Fines/OTC: [HB 2159](#) by Rep. Jadine Nollan (R-Sand Springs) allows the court clerk to request that the Oklahoma Tax Commission cancel the registration of a vehicle driven by a defendant who does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment.

The bill passed the House Judiciary – Criminal Justice and Corrections Committee on Wednesday. It now awaits a hearing by the full House.

Municipal Court/Victims Rights: [HJR 1002](#) Rep. Scott Biggs (R-Chickasha) and Sen. Anthony Sykes (R-Moore) sends to the vote of the people an amendment to the Oklahoma Constitution, Article II, Section 34, impacting the criminal and juvenile justice systems. Among the amendments, it creates detailed victim rights including the right to be heard, reasonable protection, timely restitution, no unreasonable delay, confer with the government attorney and the like.

This bill passed the House Rules Committee on Tuesday. It now awaits a hearing by the full House.

Mutual Aid Agreements/Adjutant General/Volunteer Fire Departments: [SB 59](#) by Sen. Larry Boggs (R-Wilburton) authorizes the Adjutant General to enter into mutual aid agreement with municipal, county and state government entities and volunteer fire departments for fire protection efforts. Rule-making is given to the Oklahoma Military Department.

The bill passed the Senate General Government Committee on Monday. It now awaits a hearing by the full Senate.

Occupational Licenses/Freedom to Prosper Act: [HB 1460](#) by Rep. Jon Echols (R-OKC) creates the Freedom to Prosper Act. The bill limits the authority of political subdivisions to create new occupational licenses, creating preemption, limits on fees and the like. The bill places a cap on fees associated with licensure, creates a low-income fee waiver program, and provides for license reciprocity with other states.

This bill passed the House Business, Commerce and Tourism Committee on Wednesday. It now awaits a hearing by the full House.

Open Meetings/Agenda Postings: [SB 403](#) by Sen. David Holt (R-OKC) and Rep. Elise Hall (R-OKC) would allow political subdivisions an option to post an agenda

online and email it to interested parties and have a hard copy available in their office during regular business hours instead of posting it at the subdivision's place of business.

The bill passed the Senate General Government Committee on Monday. It now awaits a hearing by the full Senate.

Pensions/Police Pension and Retirement System: [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 members distribution choice and authorizes the Board to obtain from any participating employer and CLEET information to determine pension system eligibility.

The bill passed the House Banking and Financial Services Committee on Tuesday. It now awaits a hearing by the full House.

Pensions/Firefighters Pension and Retirement System: [HB 1705](#) by Rep. Randy McDaniel (R-Edmond) and Sen. Marty Quinn (R-Claremore) amends the Firefighter Pension System changing the definitions of eligible retirement plan, distribute, direct rollover, mandatory distribution and adding provisions for the beneficiary of a deceased member.

The bill passed the House Banking and Financial Services Committee on Tuesday. It now awaits a hearing by the full House.

Public Competitive Bidding Act: [SB 258](#) by Sen. Mark Allen (R-Spiro) requires an awarding public agency to provide written documentation to the President Pro Tempore of the Senate and the Speaker of the House of Representatives detailing the reason for its action under the Public Competitive Bidding Act of 1974. It requires the information be provided within 30 days of the contract's award.

The bill passed with the title stricken from the Senate General Government Committee on Monday. It now awaits a hearing by the full Senate.

Public Employees Relations Board (PERB): [SB 46](#) by Sen. Nathan Dahm (R-Broken Arrow) extends the sunset date for the Public Employees Relations Board (PERB) from July 1, 2016 to July 1, 2020.

The bill passed the Senate General Government Committee on Monday. It now awaits a hearing by the full Senate.

Public Utility/Domestic Abuse: [HB 1466](#) by Rep. Jon Echols (R-OKC) 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 passed the House Judiciary – Criminal Justice and Corrections Committee. It now awaits a hearing by the full House.

Rural Healthcare Funding: [HJR 1015](#) by Rep. Scott Biggs (R-Chickasha) sends to a vote of the people an amendment to the Oklahoma Constitution by amending Section 40 and adding a new Section 44 to Article 10. It creates the Oklahoma Rural Health Care Infrastructure Fund. Monies received by the state for the Tobacco Settlement Endowment Trust Fund will be transferred to this new Fund beginning January 1, 2019.

The bill passed the House Rules Committee on Tuesday. It now awaits a hearing by the full House.

Sales Tax/Remote Sales: [HB 1427](#) by Rep. Kyle Hilbert (R-Depew) creates the Out-of-State Tax Collections Enforcement Act of 2017 which among other items requires the Tax Commission to establish not less than one field office in a state other than Oklahoma.

This bill passed the House A&B Finance Subcommittee today. It now awaits a hearing by the full House A&B Committee.

Sales Tax Exemption/Tourism: [SB 235](#) by Sen. Roger Thompson (R-Okemah) exempts material that is used by the Oklahoma Department of Tourism and Recreation to promote the State.

The bill passed the Senate Appropriations Committee on Wednesday with the title and enacting clause stricken. It now awaits a hearing by the full Senate.

School Funding/TSET: [HB 1245](#) by Rep. Mark McBride (R-Moore) requires the Tobacco Settlement Endowment Trust Fund spend 50% of the moving ten-year average earnings for the fiscal year ending June 30, 2018. It requires expenditures to common school districts for a variety of purposes.

The bill passed the House A&B Select Agencies Subcommittee on Tuesday. It now awaits a hearing by the full House A&B Committee.

OWRB/REAP: [SB 815](#) by Sen. Eddie Fields (R-Wynona) and Rep. John Pfeiffer (R-Mulhall) requires the OWRB to transfer to the Rural Economic Action Plan Water Projects Fund any monies appropriated for the purpose of funding the Fund.

The bill passed the Senate Appropriations Committee on Wednesday with the title and enacting clause stricken. It now awaits a hearing by the full Senate.

NEXT WEEK AT THE CAPITOL

Monday, February 20th:

House A&B – General Government Subcommittee
10:30 a.m. in 412C

Public Safety Districts: [HB 1374](#) by Rep. Weldon Watson (R-Tulsa) creates the Oklahoma Public Safety Protection District Act. Municipal governing bodies would have the authority to send to their citizens a question allowing them to fund Public Safety Protection Districts. The funding would have come from an annual assessment no greater than 5 mills on the dollar of assessed value of the types of property in the district. The proceeds were to be used solely for the operation and maintenance of the district, including expenses related to purchasing and maintaining public safety equipment, payment of salaries and benefits of city employees who provide law enforcement and/or fire protection public safety services within the district, and municipal expenses related to housing prisoners.

House Transportation Committee
3:00 p.m. in 512A

Municipal Road/Caps: [HB 1464](#) by Rep. Jon Echols (R-OKC) 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 250,000. This bill has been assigned to the House Transportation Committee.

House A&B Committee
4:30 p.m. in 206

Construction Industries Board: [HB 1280](#) by Rep. Kevin Wallace (R-Wellston) creates new authority for the Construction Industries Board including a website, contractual authority with Department of Career and Technology Education and establishment of the Skilled Trade Education and Workforce Development Fund.

Wednesday, February 22nd:

**House Government Judiciary - Criminal Justice and
Corrections Committee**
10:30 a.m. in 206

Drug Possession Database/Municipal Preemption: [HB 1122](#) by Rep. Scott Biggs (R-Chickasha) creates the Oklahoma Drug Possession Database Revolving Fund. It creates a new fee that is the sum of Ten Dollars (\$10.00) to be assessed in every misdemeanor case for each offense of possession of a controlled dangerous substance and credited to the Oklahoma Drug Possession Database Revolving Fund. The bill preempts municipalities and political subdivisions from the entire field of legislation in this state touching in any way the prosecution of offenses relating to the possession of controlled dangerous substances, except marijuana, to the complete exclusion of any order, ordinance, local legislation or regulation by any municipality or other political subdivision of this state. No municipality or other political subdivision shall prosecute any laws or ordinances relating to the offense of possession of a controlled dangerous substance, except marijuana. Any existing or future orders, ordinances, local legislation or regulations in violation of this section is void and unenforceable. This does not impact the Municipal Courts of Record. Oklahoma Bureau of Narcotics and Dangerous Drugs are responsible for overseeing the database.

Open Records/Court Records: [HB 1341](#) by Rep. Scott Biggs (R-Chickasha) amends the Open Records Act by limiting how certain court records can be viewed. The specific records listed in the bill are only viewable internally and shall not be viewable on the Internet.