



*In This Issue*

Spring Break Makes for Short Week	1
Action Alert – Public Safety Districts	1
Bills on the Move	2



**Oklahoma Municipal League**

*Legislative Bulletin* is published by the Oklahoma Municipal League. Forward your comments or suggestions to:

Oklahoma Municipal League  
 201 N.E. 23<sup>rd</sup> Street  
 OKC, OK 73105  
 Phone: 1-800-324-6651 / 405-528-7515  
 Fax: 405-528-7560  
 Email: [missy@oml.org](mailto:missy@oml.org)  
 Internet: [www.oml.org](http://www.oml.org)



# OML ADVOCATE

**Issue No. 07-17**

**March 15, 2017**

**SPRING BREAK MAKES FOR SHORT WEEK**

The legislature had a short work week due to Spring Break. The House of Representatives worked Monday and Tuesday while the Senate worked through today. Despite the short week, there was a lot of activity on bills.

Next week will mark a major milestone in the 2017 Legislative Session when the deadline for passage from the house of origin arrives on Thursday, March 23. A number of important bills impacting OML members have been heard and passed. Look for Action Alerts in the coming weeks on one of the most important bills of the session, HB 1374 by Rep. Weldon Watson. It promises to be a busy week ahead.

The good news is once a major deadline comes and goes, so do a number of bills that have occupied the attention of municipal officials and League staff. We expect to eliminate a number of bills as they become inactive, thus reducing the sheer volume of those we are tracking. This will also allow the lobbyists to take stock of those that remain and prioritize our efforts. As always, we are guided by your feedback.

**ACTION ALERT – PUBLIC SAFETY DISTRICTS!!!**

OML needs your help in contacting your [Representative](#) and ask them to vote “**YES**” on [HB 1374](#) by Rep. Weldon Watson (R-Tulsa). This bill will allow a city or town to create a Public Safety Protection District. HB 1374 provides an option for municipalities to seek an alternative revenue source for our vital service of public safety.

The bill is permissive and does not mandate that the districts be created. It requires a majority of voters to approve the Public Safety District. If it is approved, an annual assessment of no greater than five (5) mills will be assessed on the property in the district within municipal boundaries. The assessment does not apply to real property zoned for agriculture or industrial land use and personal property owned by for-profit business entities.

The proceeds of which can be spent on 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.

It does not compete with rural fire districts for assessments and it does not impose the City's power over another jurisdiction. It does not take money away from entities receiving ad valorem revenue.

### **BILLS ON THE MOVE**

**AUDITING STANDARDS:** [SB 354](#) by Sen. David Holt (R-OKC) and Rep. Mike Osburn (R-Edmond) modifies language related to auditing standards for municipalities. Bill has been assigned to the Senate General Government Committee.

The bill passed the Senate on Monday by a vote of 45-0.

**AUDITING STANDARDS:** [SB 358](#) by Sen. David Holt (R-OKC) and Rep. Mike Osburn (R-Edmond) modifies language related to auditing standards for public trusts. Bill has been assigned to the Senate General Government Committee.

The bill passed the Senate on Monday by a vote of 45-0.

**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 is hired by a law enforcement agency as a full-time officer to be eligible to attend a 364-hour basic full-time academy to become certified as a full-time officer.

This bill passed the House on Tuesday by a vote of 87-0.

**CONDEMNATION/FINAL OFFER:** [SB 290](#) by Sen. Dan Newberry (R-Tulsa) and Rep. Weldon Watson (R-Tulsa) amends 66 O.S. Section 55 authorizing, within sixty (60) days after the commissioners' report is filed, the condemnor to make a last offer to settle as provided in Section 1101.1 of Title 12. It also removes the following from current law; "If the party demanding such trial does not recover a verdict more favorable to him than the assessment of the commissioners, all costs in the district court may be taxed against him." The awarding of attorney, appraisal and engineering fees is also amended by adding to current law. If the award of the jury exceeds the award of the court-appointed commissioners by at least ten percent (10%) "or the condemnor's last offer, whichever is greater" fees may be awarded. Attorney, appraisal and engineering fees in 27 O.S. Section 11 is also amended by excluding municipalities, striking the ten percent (10%) language and substituting "condemnor's last offer to settle provided in Section 1101.1 of Title 12.

The bill passed the Senate on Tuesday by a vote of 40-3.

**CONSTRUCTION INDUSTRIES BOARD:** [HB 1280](#) by Rep. Kevin Wallace (R-Wellston) and Sen. James Leewright (R-Bristow) 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. This Fund can be spent on a number of costs including instructional materials relating to plumbing, mechanical, electrical and roofing trades and state licensing standards, cost of equipment, materials, personnel and other costs in developing/implementing the trade curriculum and implementing the workforce development programs and advancement of trade-related education and workforce development.

The bill is awaiting a committee assignment in the Senate.

**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 is awaiting a committee assignment in the Senate.

**DEQ/AIR QUALITY:** [SB 492](#) by Sen. John Sparks (D-Norman) and Rep. Chuck Hoskin (D-Vinita) requires the Department of Environmental Quality to seek and include any response submitted by any of Oklahoma's tribal governments when preparing any response on behalf of the state to the federal government on issues pertaining to air quality.

The bill passed the Senate on Tuesday by a vote of 32-14. Title is off the bill.

**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 passed the Senate on Monday by a vote of 44-1.

**FPAA/UNIT EXEMPTION:** [SB 436](#) by Sen. Nathan Dahm (R-Broken Arrow) and Rep. Jon Echols (R-OKC) expands those firefighters and police officers exempted from coverage under the Fire and Police Arbitration Act from one administrative assistant to seven for each department. The bill added a population limit for cities 90,000 and above.

Sen. Dahm brought the bill back up on a "Motion to Reconsider". The motion passed by a vote of 34-10. Sen. Dahm then asked that the bill be laid over.

**HONEY SALES:** [HB 1346](#) by Rep. Donnie Condit (D-McAlester) amends 63 O.S. Section 1-1331 regarding beekeepers. The bill authorizes municipalities and other political subdivisions to charge a reasonable fee for booth space rental or for the reservation of space at a temporary retail food establishment where honey is sold or distributed at a single event or celebration. Any inspection of the honey or a fee related to inspection is prohibited.

The bill passed the House on Monday by a vote of 86-3.

**LAW ENFORCEMENT/FIREARMS:** [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 passed the House on Monday by a vote of 85-11.

**LAW ENFORCEMENT/SCHOOL BUS:** [SB 344](#) by Sen. David Holt (R-OKC) and Rep. Mike Osburn (R-Edmond) amends 47 O.S. Section 11-705 by increasing the fine for the failure to stop when a school bus is stopped to take on and discharge school children with its red loading signals are in operation. The fine is increased from \$100 to \$250.

The bill passed the Senate on Tuesday by a vote of 44-0.

**LAW ENFORCEMENT/TRAFFIC FINES:** [HB 1670](#) by Rep. Todd Thomsen (R-Ada) and Sen. Greg McCortney (R-Ada) increases the separate fee amount to be paid to the court for traffic offenses from \$9 to \$10; a fee collected by the Council on Law Enforcement Education and Training (CLEET).

The bill passed the House on Tuesday by a vote of 51-37. Rep. Thomsen held it on a "Motion to Reconsider".

**MASSAGE THERAPY/PREEMPTION:** [SB 693](#) by Sen. AJ Griffin (R-Guthrie) and Rep. John Paul Jordan (R-Yukon) amends the Massage Therapy Practice Act in a variety of ways. Included is an expansion of the states' preemption language in 59 O.S. Section 4200.10 by adding "massage therapy establishments." The bill contains details including new definitions, the requirement to obtain a license from the Board of Cosmetology and Barbering including changes to who cannot be licensed.

The bill is awaiting a committee assignment in the House. Title is off the bill.

**MUNICIPAL COURT/PREEMPTION:** [HB 1122](#) by Rep. Scott Biggs (R-Chickasha) and Sen. Jason Smalley (R-Stroud) preempts the entire field touching in any way the prosecution of offenses relating to possession of controlled dangerous substances, except marijuana, to the complete exclusion of any municipal or other political subdivision's order, ordinance, local legislation or regulation. Any existing or future order, ordinance, local legislation or regulation in violation of this section is void and unenforceable. The preemption shall not apply to municipal criminal courts of record.

The bill passed the House on Tuesday by a vote of 82-3.

**OCCUPATIONAL LICENSING/PARDON AND PAROLE BOARD:** [HB 2286](#) by Rep. Terry O'Donnell (R-Catoosa) is a bill running over 85 pages impacting various areas of law. Included in Section 16 is a prohibition for a "licensing board" to deny, suspend or revoke an occupational license or certificate for the sole purpose that the applicant has previously been convicted of a crime subject to the certificate of rehabilitation created in the bill. A licensing board includes a municipality that issues a license.

The bill awaits a hearing on the House floor.

**OKLAHOMA TAX COMMISISON:** [HB 2209](#) by Rep. Marcus McEntire (R-Duncan) and Sen. AJ 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 passed the House on Tuesday by a vote of 84-0.

**OUT-OF-STATE SALES TAX COLLECTIONS:** [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 which among other

items requires the Tax Commission to establish not less than one field office in a state other than Oklahoma.

The bill passed the House on Tuesday by a vote of 70-17.

**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 on Monday by a vote of 93-0.

**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 passed the Senate on Tuesday by a vote of 43-0.

**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 passed the Senate on Tuesday by a vote of 42-0.

**RIGHT-OF-WAY:** [SB 85](#) by Sen. Jack Fry (R-Midwest City) and Rep. Dustin Roberts (R-Durant) requires municipally-owned utilities in communities of 5,000 or more population to pay the cost of removing or relocating utility facilities located in either privately owned or public rights-of-way for the construction of interstate highways. The bill updates statutory references.

The bill is awaiting committee assignment in the House.

**SALES TAX EXEMPTION/DEPT. OF TOURISM:** [SB 235](#) by Sen. Roger Thompson (R-Okemah) and Rep. John Pfeiffer (R-Mulhall) exempts material that is used by the Oklahoma Department of Tourism and Recreation to promote the State.

The bill passed the Senate on Tuesday by a vote of 42-0. Title is off the bill.

**UNIFORM BUILDING CODE COMMISSION:** [HB 1168](#) by Rep. Mark McBride (R-Moore) and Sen. James Leewright (R-Bristow) authorizes the Commissioner of Labor to implement and administer the Oklahoma Uniform Building Code Commission Act. Various duties of the Commission are changed, training and licensing requirements are altered, including continuing education, provision is made for advisory opinions interpreting statewide building codes and ten percent of the gross permit fees collected by the state, municipalities or other political subdivisions shall go to the State General Fund. 59 O.S. Sections 1000.26 and 1000.27 are repealed.

The bill passed the House on Tuesday by a vote of 81-5.

**UNMANNED AERIAL VEHICLES:** [HB 1326](#) by Rep. Casey Murdock (R-Felt) and Sen. Lonnie Paxton (R-Tuttle) prohibits an individual from intentionally or knowingly operating an unmanned aircraft over the private agricultural property of another unless otherwise exempted. It prescribes a punishment for those found in violation of the provision. The amendment requires that notice prescribed therein not be required when the operation of the aircraft in question is being performed to assess the location of actual outage on any electronic delivery infrastructure. It also modifies what constitutes an operator of such an aircraft.

The bill passed the House on Monday by a vote of 55-39.

**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 registry shall record the name, rank and branch of service and dates of service for all one hundred percent (100%) service-disabled Oklahoma veterans. The Department of Veterans Affairs is responsible for verification of all information provided through the registry.

The bill passed the Senate on Monday by a vote of 45-0. The title is off the bill.