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### **Oklahoma Municipal League**

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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. 06-17**

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### **DEADLINES MAKE A DIFFERENCE**

What a difference a deadline makes. As the 1<sup>st</sup> Session of the 56th Legislature began, there were 2,242 bills and resolutions filed. After the March 2nd deadline, over two-thirds of the bills failed to be heard in the committees and therefore will remain dormant until next Session. The number of bills and resolutions still making their way to the next deadline is over 840. OML continues to track 244 of the remaining bills.

There were a number of bills that OML opposed that did not make it past the deadline. Some of the bills that OML were opposed to failed to make it past the deadline, including: **SB 259** by Sen. Josh Brecheen (R-Coalgate) which prohibited cities and counties that regulate and license a particular economic industry from economically engaging in the industry; **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; as well as several other bills pertaining to civil asset forfeiture, guns, elections, and eminent domain.

The next deadline for bills to be heard on the House of Senate floor is Thursday, March 23, 2017.

### **MUNICIPAL GOVERNMENT DAY**

Please join OML and the Mayors Council of Oklahoma (MCO) as they host their annual Municipal Government Day at the Capitol on Tuesday, March 21st in the Governor's Blue Room. This is our time to showcase Oklahoma municipalities and local government at the State Capitol. OML/MCO uses this opportunity to educate municipal officials, legislators, students and the general public about legislative issues that impact local government. During the day, winners of the "If I Were Mayor" contest will be recognized.

## **BILLS ON THE MOVE**

**AIRPORTS:** [\*\*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 passed the Senate on Tuesday by a vote of 39-4.

**CAFO/Municipal Setback:** [\*\*SB 596\*\*](#) by Sen. Darcy Jech (R-Kingfisher) and Rep. Carl Newton (R-Cherokee) amends 2 O.S. Section 20-3 and 20-6 regarding the definition of a concentrated swine feeding operation (CAFO) and licensing requirements. In addition, 2 O.S. Section 20-19 is amended regarding location of a CAFO within three (3) miles of a municipality. The bill provides for a written waiver of the setback for the operation. 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 passed the Senate on Monday by a vote of 40-5.

**CONSTRUCTION INDUSTRIES BOARD:** [\*\*HB 1280\*\*](#) by Rep. Kevin Wallace (R-Wellston) and Sen. James Leewright (R-Bristow) creates a 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 on Tuesday by a vote of 92-0.

**CORPORATION COMMISSION/DEQ:** [\*\*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 passed the Senate on Wednesday by a vote of 33-8.

**ELECTIONS:** [\*\*SB 146\*\*](#) by Sen. Eddie Fields (R-Wynona) and Rep. Todd Russ (R-Cordell) amends various election statutes. Included are changes to 26 O.S. 3-105.1 which expands election costs for counties, municipalities, school districts and other governmental entities. Included are costs for staff time, voting device charge and consumable supplies and materials. In addition, 26 O.S. Section 3-108.1 is amended to expand the costs for the above entities if the election is not held concurrently with a regularly scheduled federal or state election. The bill contains detailed costs and charges including voting devices, programming, election results reporting and certification at the actual hourly compensation rate of State Election Board staff for overtime. In addition, costs in 26 O.S. Section 13-111 are also expanded.

The bill passed the Senate on Wednesday by a vote of 43-0.

**ENVIRONMENT/OIL & GAS:** [\*\*HB 1485\*\*](#) by Rep. Weldon Watson (R-Tulsa) and Sen. AJ Griffin (R-Guthrie) amends 27A O.S. Section 1-3-101 regarding the Clean Water Act and oil and gas activity. Current law provides jurisdiction with the Environmental Protection Agency. The bill changes jurisdiction to the Oklahoma agency with delegation authority.

The bill passed the House on Monday by a vote of 70-19.

**FIRE MARSHAL:** [\*\*HB 1833\*\*](#) by Rep. Mike Sanders (R-Kingfisher) and Sen. AJ 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 passed the House on Tuesday by a vote of 86-1.

**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.

The bill failed the Senate today by a vote of 21-24. Sen. Dahm held the bill on a "Motion to Reconsider".

**JUVENILE AFFAIRS:** [\*\*SB 228\*\*](#) by Sen. AJ 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 passed the Senate on Tuesday by a vote of 43-0.

**LAW ENFORCEMENT/CLEET FEES:** [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 passed the Senate on Monday by a vote of 43-0.

**LAW ENFORCEMENT/DESTRUCTION OF MATERIAL:** [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 law enforcement act "with the consent of the district attorney".

The bill passed the House on Monday by a vote of 93-0.

**LAW ENFORCEMENT/FINGERPRINTING FEES:** [SB 39](#) by Sen. Roger Thompson (R-Okemah) and Rep. Kevin Wallace (R-Wellston) increases the fingerprinting fee from \$5 to \$10. The bill allocates \$9 of the fee will go to the A.F.I.S. fund and the rest to the general revenue fund of the court clerk.

The bill passed the Senate on Tuesday by a vote of 29-14.

**LAW ENFORCEMENT/FIREARMS:** [SB 36](#) by Sen. Micheal Bergstrom (R-Adair) and Rep. Bobby Cleveland (R-Slaughterville) adds "handguns" to the definitions of the Firearms Act and the Oklahoma Self-Defense Act.

The bill passed the Senate on Wednesday by a vote of 38-0.

**LAW ENFORCEMENT/FIREARMS:** [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, and private investigators licensed by CLEET. 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 passed the Senate on Wednesday by a vote of 36-5.

**LAW ENFORCEMENT/FIREARMS:** [SB 12](#) by Sen. Josh Brecheen (R-Coalgate) and Rep. John Bennett (R-Sallisaw) allows private K-12 schools to establish police departments under the Oklahoma Campus Security Act.

The bill passed the Senate today by a vote of 43-2.

**LAW ENFORCEMENT/OSBI:** [SB 250](#) by Sen. AJ Griffin (R-Guthrie) and Rep. Bobby Cleveland (R-Slaughterville) authorizes OSBI to have original jurisdiction to investigate all deaths of incarcerated offenders when the death occurs in any jail in the state or in the Oklahoma prison system.

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

**LAW ENFORCEMENT/TASK FORCE:** [SB 654](#) by Sen. Kay Floyd (D-OKC) and Rep. John Paul Jordan (R-Yukon) creates the Joint Legislature Task Force on Sexual Assault Forensic Evidence. No later than December 30, 2017 each law enforcement agency shall submit to the Attorney General and the task force a written report stating the results of an audit conducted by the agency and including the number of untested evidence collection kits in its possession. The bill contains definitions and details.

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

**LAW ENFORCEMENT/TRAINING:** [SB 387](#) by Sen. Anthony Sykes (R-Moore) and Rep. Marcus McEntire (R-Duncan) amends CLEET training in 70 O.S. Section 3311. If the individual leaves their agency and joins another law enforcement agency within one year of certification, under the bill, the reimbursement from the second law enforcement agency is for an agency that has "paid the salary and the training expenses" for an individual while completing the basic police course.

This bill passed the Senate today by a vote of 40-0.

**MASSAGE THERAPY PRACTICE ACT:** [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 passed the Senate on Wednesday by a vote of 32-10.

**MUNICIPAL COURT/COURT FINES:** [HB 2159](#) by Rep. Jadine Nollan (R-Sand Springs) and Sen. Dave Rader (R-Tulsa) amends 22 O.S. Section 1115.1 adding the Oklahoma Tax Commission to the procedure if an arrest warrant is issued when a defendant does not timely enter

a plea or fails to timely appear for arraignment. The court clerk shall request the Commission to cancel the current registration of the vehicle driven by the defendant at the time of arrest; provided the defendant is the registered owner of the vehicle.

The bill passed the House on Tuesday by a vote of 80-16.

**OPEN RECORDS:** [\*\*SB 191\*\*](#) by Sen. Roger Thompson (R-Okemah) and Rep. David Brumbaugh (R-Broken Arrow) amends the Open Records Act by prohibiting a record from being unreasonably delayed 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 bodies essential functions.

The bill passed the Senate today by a vote of 44-1.

**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 on Monday by a vote of 96-0.

**PUBLIC COMPETITIVE BIDDING:** [\*\*SB 258\*\*](#) by Sen. Mark Allen (R-Spiro) and Rep. Jason Murphey (R-Guthrie) amends 61 O.S. Section 117 requiring certain state public agencies to provide written documentation to the Senate President Pro Tempore and the House Speaker if the award is made to other than the lowest bidder. As the bill passed committee this bill applied to municipalities.

The bill passed the Senate on Tuesday by a vote of 27-15.

**PUBLIC SAFETY DISTRICTS:** [\*\*HB 1374\*\*](#) by Rep. Weldon Watson (R-Tulsa) will allow local voters to assess up to 5 mills to fund police, fire, emergency medical services and the housing of prisoners. The district is located within the municipal boundaries. The district is managed by the municipal elected governing body. It does not create another governmental entity. The use of funds is limited to purchase and maintenance of equipment and facilities, salaries and benefits for police, fire and jail costs.

The bill awaits a hearing on the House floor.

[\*\*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.

The bill awaits a hearing on the Senate floor.

**RURAL FIRE PROTECTION:** [\*\*SB 602\*\*](#) by Sen. Eddie Fields (R-Wynona) and Rep. John Pfeiffer (R-Mulhall) amends the Rural Fire Protection Program Fund act. It provides that ten percent (10%) of the Fund may be distributed to eligible participants based on the total number of fire runs or to pay for expenses associated with large fires.

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

**UNDERGROUND FACILITIES:** [\*\*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 passed the House on Wednesday by a vote of 69-23.

**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 passed the Senate on Monday by a vote of 26-19. The emergency clause passed 32-13.