



### *In This Issue*

REAL ID is Real	1
Public Safety District Bill Passes House A&B	1
Bills on the Move	2

## **OKLAHOMA Municipal League**

### **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. 05-17**

**March 2, 2017**

### **REAL ID REFORM IS REAL**

Today, Governor Mary Fallin signed [\*\*HB 1845\*\*](#) by Speaker Charles McCall (R-Atoka) and Pro Tempore Mike Schulz (R-Altus). This bill establishes Real ID compliant driver licenses and eliminates the prohibition on the Real ID Act implementation and compliance.

Leadership has worked along with the Governor and Homeland Security to ensure that our licenses will be compliant and allow Oklahomans the ability to provide identification to gain entrance into federal buildings, military bases or federal courthouses as well as board commercial flights beginning in January of 2018.

In 2005, Congress passed the REAL ID Act in response to the Sept. 11, 2001, terrorist attacks. However, in 2007, the Oklahoma legislature passed a bill prohibiting the State of Oklahoma from complying with federal law causing the state to ask for extensions to the law. Last year, Oklahoma was told they were not granted another extension. Leadership in the House and Senate worked with Governor Fallin getting this bill passed in record fashion.

The bill takes effect immediately. However, it will be some time before Oklahomans can obtain the compliant licenses and identification cards. The Department of Public Safety is expected to issue a request for proposals for a license and identification card issuing system that will have to be implemented.

### **PUBLIC SAFETY DISTRICT BILL PASSES HOUSE A&B**

[\*\*HB 1374\*\*](#) by Rep. Weldon Watson (R-Tulsa) passed the House A&B Committee on Wednesday by a close vote of 10-9. This bill 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 maintenances of equipment and facilities, salaries and benefits for police, fire and jail costs. The bill must now be heard by the full House.

Please contact your [Representative](#) and ask them to vote “**YES**” on the bill.

## **BILLS ON THE MOVE**

**Administrative Rules/Appeals:** [\*\*SB 780\*\*](#) by Sen. Anthony Sykes (R-Moore) authorizes a resident or entity aggrieved by a ruling or decision of a board or commission of this state to have the same appellate rights as an administrative agency as provided in Article II of the APA. Appellate review at the district court shall be as a trial de novo.

The bill passed the Senate Judiciary on Tuesday. It now awaits a hearing by the full Senate.

**Building Code Adoption:** [\*\*SB 283\*\*](#) by Sen. Dan Newberry (R-Tulsa) amends 59 O.S. Section 1000.23 providing that building codes adopted by the Uniform Building Code Commission shall be valid from the adoption date for a period of at least six (6) years and thereafter until the Commission adopts additional codes. Building codes and standards adopted by the state, municipalities and other political subdivisions shall be valid and in effect "when such building codes and standards are in compliance with the uniform building codes and standards" adopted by the Oklahoma Uniform Building Code Commission "or such building codes and standards are authorized by 11 O.S. Section 14-107 and have been submitted to the Commission." Changes are also made to the Commission's website including obtaining and posting, at no cost to the Commission, all or part of detailed building codes adopted by a municipality or county which are different from codes adopted by the Commission.

The bill, with the title stricken, awaits a hearing by the full Senate.

**Building Permits/Fire Marshal:** [\*\*SB 751\*\*](#) by Sen. Dan Newberry (R-Tulsa) amends 74 O. S. Section 324.11 regarding building permits and the authority of the State Fire Marshal. It requires the State Fire Marshal to complete the plan review and permit process within a maximum of 45 days. The Fire Marshal may outsource plan reviews or authorize the person applying for the building permit to submit the plans to an engineer or architect licensed in this state for review of code conformity in order to meet the time period for plan review. It requires conformity the Fire Marshal be notified and the permit issued upon a successful completion of the plan review and code.

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

**Code Enforcement/No Jail for Paint Act:** [\*\*HB 1691\*\*](#) by Rep. Kevin Calvey (R-OKC) prohibits municipalities from adopting any ordinance creating a criminal offense or imposing a criminal fine or penalty for failure of a property owner to maintain or clean the structure or exterior of property.

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

**Department of Labor/OUNCC:** [\*\*HB 1168\*\*](#) by Rep. Mark McBride (R-Moore) and Sen. James Leewright (R-Bristow) moves the implementation and administration of the Oklahoma Uniform Building Code Commission Act and the Oklahoma Uniform Building Code Commission (OUNCC) to the Department of Labor and the Commissioner of Labor. The bill also directs the commission to prescribe standards, practices and procedures for pre-licensing building inspector training, and directs that 10% of the gross permit fees charged and received pursuant to the Uniform Building Code Commission Act be paid into the General Revenue Fund. The bill also repeals the statutes pertaining to the Chief Executive Officer and the Attorney General as the legal advisor for OUNCC.

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

**Dilapidated Structure/Local Agent:** [\*\*HB 1381\*\*](#) by Rep. Carol Bush (R-Tulsa) amends 11 O.S. Section 22-110.1 by creating a new Subsection E. Nothing shall prohibit a municipality from requiring the owner of property that is subject to any abatement process provided in this title 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. No future action taken by the municipality shall be rendered ineffective due to the failure of the property owner to provide the information pursuant to this subsection. The municipality shall not assess any additional charge when requiring the information.

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

**Drone/Regulations:** [\*\*SB 630\*\*](#) by Sen. Frank Simpson (R-Ardmore) creates comprehensive new law regulating the use of robotic vehicles which are unmanned capable of

either powered locomotion on the ground or powered flight in the air, or both. The bill contains definitions, privacy provisions impacting state agency or political subdivision use, trespass regulation, a penalty section, special regulation of a “wildland fire” including state preemption, protections for law enforcement traffic accident or crime scenes, specific authorization robotic vehicle use by pipeline and utility companies and agricultural producers. Except for the private use of a robotic vehicle in relation to a wildland fire in Section F, a “political subdivision may establish guidelines and restrictions on the use of robotic vehicles within their jurisdiction’. Civil action including compensatory damages and injunctive relief is authorized against a person, state agency or political subdivision that violates this act.

The bill, with the title stricken, awaits a hearing by the full Senate.

**Elections:** [\*\*HB 1106\*\*](#) by Rep. Bobby Cleveland (R-Slaughterville) and Sen. Rob Standridge (R-Norman) amends election dates in 26 O.S. Section 3-101. Regular or special elections for “any purpose” for any county, school district, technology center school district, municipality or other political subdivision is authorized in Section (B). Election dates in Section (C) are removed for the above entities. A municipality in excess of 500,000 persons, may hold an election on the second Tuesday of December in odd-numbered years in Section D.

This bill was originally assigned to the House Elections and Ethics Committee where it was not going to pass. Rep. Cleveland got the bill reassigned to the House Government Modernization Committee where it passed on Wednesday. It now awaits a hearing by the full House.

**Freedom to Prosper Act:** [\*\*HB 1460\*\*](#) by Rep. Jon Echols (R-OKC) creates the Freedom to Prosper Act limiting the authority of political subdivisions to create new occupational licenses, creating preemption, limits on fees and the like.

The bill awaits a hearing on the House floor. OML’s Director of Government Relations, Missy Dean and OML contract lobbyist, Bill Phelps, met with Rep. Echols on Monday. Rep. Echols does not plan to move this bill this Session and hopes to have an interim study to bring all parties to the table for further discussion.

**Law Enforcement/CLEET/Reserve Officers:** [\*\*SB 88\*\*](#) by 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 passed the Senate on Tuesday by a vote of 44-0.

**Law Enforcement/DNA Samples:** [\*\*HB 1609\*\*](#) by Rep. John Enns (R-Enid) 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 passed the House Public Safety Committee today. It now awaits a hearing by the full House.

**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 passed the House on Tuesday by a vote of 99-0.

**Law Enforcement/Firearms:** [\*\*HB 1550\*\*](#) by Rep. George Faught (R-Muskogee) and Sen. Ralph Shortey (R-OKC) 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 floor on Tuesday by a vote of 88-10.

**Law Enforcement/Firearms/Prohibition:** [\*\*HB 1803\*\*](#) by Rep. Sean Roberts (R-Hominy) and Sen. Nathan Dahm (R-Broken Arrow) makes it unlawful to spend public funds for opposition to Second Amendment rights. Included is lobbying or a publication opposing legislation and a penalty provision.

This bill passed the House Public Safety Committee today. It now awaits a hearing by the full House.

**Law Enforcement/OSBI:** [\*\*SB 247\*\*](#) by Sen. Kevin Matthews (D-Tulsa) authorizes the OSBI to investigate all law enforcement – or peace officer – involved shootings and in-custody deaths, not including jails or prisons for all jurisdictions in the state with a population of less than 150,000. Those in jurisdictions over 150,000 are subject to review by the OSBI at the OSBI’s discretion. The bill contains definitions, OSBI rule-making authority and law enforcement reporting requirements on detailed forms provided by OSBI.

The bill awaits a hearing by the full Senate.

**Law Enforcement/Sex Offender Registration:** [SB 217](#) by Sen. AJ Griffin (R-Guthrie) amends the Sex Offenders Registration Act in various ways including requiring certain offenders to report to local law enforcement.

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

**Law Enforcement/Texting While Driving:** [SB 132](#) by Sen. J.J. Dossett (D-Sperry) and Rep. Emily Virgin (D-Norman) creates the Bobbie White Act of 2017. The bill prohibits the use of electronic devices to manually search the internet or engage in non-voice communications with another person, including texting, electronic messaging and instant messaging and the use of cellular telephones or other handheld wireless communication devices to engage in voice communications with another person unless the device is used with an accessory which allows the person to communicate without the use of his or her hands, other than to activate, deactivate or initiate a feature or function of the device. The bill establishes a penalty of \$5,000 if the violation resulted in an accident resulting in injuries and \$10,000 if the violation resulted in an accident resulting in a fatality.

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

**Massage Therapy Act/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, with the title and enacting clause stricken, awaits a hearing by the full Senate.

**Municipal Court/Court Fines:** [HB 2159](#) by Rep. Jadine Nollan (R-Sand Springs) 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 awaits a hearing by the full House.

**Municipal Court/OSBI Fees:** [HB 1670](#) by Rep. Todd Thomsen (R-Ada) and Sen. Greg McCortney (R-Ada) increases OSBI DNA free from current law's \$9 to \$10 for

each person convicted of an offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of \$10 or more or by incarceration or any person forfeiting bond.

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

**Municipal Court/Fines:** [HB 1413](#) by Rep. Todd Russ (R-Cordell) provides a defendant's opportunity to enter a plea of guilty or nolo contendere to a violation charged and pay and satisfy the fine and costs during a specified time period. It allows said plea to be entered and payment of fine and costs to be made over the phone. It allows an individual to make an electronic payment over the phone.

The bill passed the House County & Municipal Government Committee on Wednesday. It now awaits a hearing by the full House.

**Oil & Gas/Taking:** [HB 1902](#) by Rep. Kevin Calvey (R-OKC) establishes a taking pursuant to Article 2 of the Oklahoma Constitution when political subdivisions regulate oil and gas operations in certain circumstances. These are interfering with the use and enjoyment of mineral estate, imposing or enforcing a limitation adversely impacting the use and development of minerals by substantially increasing the costs of operations or by substantially reducing the fair market value of the mineral estate, or by prohibiting access to develop the mineral estate.

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

**Open Meeting/Executive Session:** [HB 1810](#) by Rep. Ben Loring (D-Miami) amends executive sessions in 25 O.S. Section 307 by authorizing the governing body to elect to record by audio or video the executive session proceedings as is required for the minutes of the executive session, separate from the minutes of the open portions of the meeting. The bill provides details including new criminal sanctions as well as civil liability.

The bill passed the House Judiciary - Civil and Environmental Committee on Wednesday. It now awaits a hearing by the full House.

**Open Meeting Act/Minutes:** [HB 2181](#) by Rep. Charles Ortega (R-Altus) amends 25 O.S. Section 115 requiring municipal clerk 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.

This bill awaits a hearing by the full House.

**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 A&B Committee with the title stricken on Wednesday. It now awaits a hearing by the full House.

**Pensions/Police Pension and Retirement System:** [SB 676](#) by Sen. Anthony Sykes (R-Moore) Sen. Sykes provides a two percent (2%) Cost-of-living Adjustments (COLA) for those persons receiving benefits from the Police Pension System as of June 30, 2016. Any increase in benefits a person is eligible to receive via repealed Section 50-120 of Title 11, after June 30, 2015, shall be offset by the increase in benefits, if any, provided by this section.

The bill was sent to the Legislature's actuary for analysis under the Oklahoma Pension Legislation Actuarial Analysis Act (OPLAAA). OPLAAA requires bills that have a potential fiscal impact on a state retirement system to undergo actuarial analysis before being considered. It also requires the bills be introduced in an odd-numbered year, analyzed and then considered in an even-numbered year.

**Pensions/Police Pension and Retirement System/Rollover:** [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 awaits a hearing by the full House.

**Prosperity Zone Districts:** [HB 2132](#) by Speaker Charles McCall (R-Atoka) creates the Prosperity States Compact. The bill allows 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

describes the method for petitioning to form a Prosperity District, as well as its powers and limitations.

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

**Public Construction Contracts:** [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 General Government Committee on Monday. It now awaits a hearing by the full Senate.

**Public Finance/Debt Study:** [HB 1533](#) by Rep. John Michael Montgomery (R-Lawton) and Sen. Greg Treat (R-OKC) Rep. Montgomery 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 is debt for agencies for which the state may hold ultimate financial responsibility including the Housing Finance Agency, Oklahoma Turnpike Authority and the Oklahoma Municipal Power Authority, as well as unfunded pension liabilities.

The bill awaits a hearing by the full House.

**Real Estate Owner's Rights Act:** [HB 1412](#) by Rep. Mike Osburn (R-Edmond) creates the Real Estate Owner's Rights Act which is a matter of statewide concern. It includes the right to construct, install and repair, notwithstanding any provision of law or municipal ordinance to the contrary. The owner is required to obtain applicable permits and inspections and abide by other requirements in the bill.

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

[SB 104](#) by Sen. Newberry (R-Tulsa) creates the Real Estate Owner's Rights Act including making the Act a "matter of statewide concern" and effective "notwithstanding any provision of law or municipal ordinance to the contrary".

The bill awaits a hearing by the full Senate.

**Small Community Development Task Force:** [HB 1411](#) Rep. Claudia Griffith (D-Norman) creates the Task Force

on Small Community Development to study methods to prevent population declines in communities having fewer than 30,000 residents and to improve the economic climate to promote economic development.

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

**Small Loan Act Preemption:** [HB 1913](#) by Rep. Chris Kannady (R-OKC) creates 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 is preemption prohibiting local government units, including cities, towns and counties from regulating small plan loans.

The bill passed the House Judiciary - Civil and Environmental Committee. It now awaits a hearing by the full House.

**Transportation/Population Cap:** [HB 1301](#) by Rep. Mark Lepak (R-Claremore) amends 11 O.S. Section 36-113 by changing the municipal population limit for authorization for counties to repair or maintain municipal streets if there is a municipal sales tax earmarked for street improvement. The population in current law is a municipal population greater than 5,000 but less than 15,000. The bill removes the 15,000 limitation.

The bill passed the House County & Municipal Government Committee on Wednesday. It now awaits a hearing by the full Senate.

**Transportation/Population Cap:** [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 100,000.

The bill passed the House floor today by a vote of 93-0.

**Transportation/Right-of-Way:** [HB 1636](#) by Rep. Scott Inman (D-Del City) requires municipalities having a population of five thousand (5,000) or more that own or share ownership of utilities in a right-of-way to pay for the utility relocations. If there are multiple municipal owners, each owner will be responsible for the proportionate funding associate with their ownership.

The bill passed the House Appropriations and Budget Committee by a vote of 26-0. It now awaits a hearing by the full House.

**Water Metering:** [HB 1537](#) by Rep. Jason Dunnington (D-OKC) requires municipalities to implement an inclined block rate structure for use of municipal water by persons, business entities and other users. The municipality shall retain all revenues derived from the sale of water to each user. Municipalities that implement an inclined block rate structure may impose surcharges for a municipal water user that uses more than 25,000 gallons of water per month. Water use surcharge revenues may be used by the municipality or an entity having the municipality as its beneficiary for municipal water systems and related infrastructure assets. The bill also provides that "water and water quality, while affected by actions of many persons and entities at the local level, are both matters of statewide public concern."

The bill passed the House Appropriations and Budget Committee on Monday by a vote of 16-10. It now awaits a hearing by the full House.