



2020 Session in Review

Measures passed during the Second Session of the 57th Oklahoma Legislature
Charles McCall, Speaker | Oklahoma House of Representatives

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Agriculture & Environment

Agriculture

HB 2008 allows the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) to promulgate rules that could help cattle and bison producers offer products directly to customers across state lines. Because of food-supply disruptions caused by COVID-19, the Oklahoma cattle industry has lost about \$600 million as of early April, according to an Oklahoma State University agricultural economy report. The measure allows ODAFF to address bottlenecks in cattle processing by increasing processing capacity and flexibility in the state's meat inspection policies, if the U.S. Department of Agriculture gives the state authority to do so.

SB 1785 creates the Oklahoma Farmers Market and Farmers Hub Act, which sets standards for farmers' markets and farmers' hubs that are registered with ODAFF. A hub differs from a market in that the food is sold on consignment for the producers, rather than direct sales that take place at a market. The act specifies that registered farmers' markets may sell:

- Unprocessed produce and nuts;
- Meat;
- Baked goods that are produced in compliance with the Home Bakery Act;
- Processed foods that meet all local, state, and federal requirements and are made at least in part with ingredients grown or processed in the state; and
- Nonfood items, although they must not make up more than 25 percent of overall market sales.

The measure does not specify which types of products are allowed at a registered hub.

HB 3806 creates the Oklahoma Meat Consumer Protection Act within the agriculture code, which aims to ensure clarity and accuracy in labeling or advertising of meat and plant-based food, by updating regulations for those items. The measure repeals similar language in the public health code.

HB 3963 defines *Oklahoma certified beef* as any bovine product bred, born, raised and slaughtered in Oklahoma.

SB 1783 provides that industrial hemp is only to be grown pursuant to the Oklahoma Industrial Hemp

Program and may be shipped intrastate and interstate.

In an effort to ensure extension offices are adequately funded, **HB 4159** transfers \$2.88 million from the current ODAFF appropriation to the extension offices and research centers that are affiliated with the Oklahoma State University Agricultural Extension Service and Experiment Stations. The measure also allows ODAFF to split its appropriation between the next two fiscal years.

SB 1528 amends a section of the Oklahoma Industrial Hemp Program to reflect changes in the 2018 farm bill and subsequent U.S. Department of Agriculture hemp production rules.

Environment and Natural Resources

HB 1048 protects groundwater rights in eminent domain cases, unless the landowner wants groundwater rights included in the eminent domain proceeding. The measure requires the taking entity to communicate in writing to the landowner their intent specific to the groundwater rights. This will allow the landowner to choose to sever the groundwater and keep that right. ■



Criminal Justice

The Legislature strengthened protections for victims of domestic violence with the enactment of **HB 3251**, which adds domestic abuse by strangulation, domestic assault with a dangerous weapon, domestic assault and battery with a dangerous weapon, and domestic assault and battery with a deadly weapon to the violent crimes list.

In an effort to stop package theft, **HB 2777** creates the Porch Piracy Act of 2020. The measure establishes a misdemeanor crime for a first and second offense for any person who holds, conceals, destroys or takes mail from the mailbox or premises of another person or from a delivery vehicle at any point throughout the delivery route without consent. For the first offense, a person may be sentenced to not more than one year, a fine of up to \$500, or both fine and imprisonment. A person convicted of a third or subsequent offense, or who has committed three or more offenses in a 60 day period can be charged with a felony and may be sentenced not less than two years nor more than five years in prison, a fine of up to \$5,000, or both fine and imprisonment.

SB 1462 provides that any person who disseminates sexually explicit private sexual images and who gains or attempts to gain anything of value as a result of the nonconsensual dissemination of the images shall be guilty of a felony punishable by imprisonment for up to four years. A second or subsequent conviction

is punishable by up to 10 years imprisonment and the person convicted must register pursuant to the Oklahoma Sex Offender Registration Act. The measure also clarifies sex offender registration procedures and provides that the provisions of the Sex Offender Registration Act do not apply while the person is incarcerated.

SB 1385 establishes recordkeeping and disclosure requirements for testimony provided by a jailhouse informant. In any trial where the state intends to introduce testimony of a jailhouse informant, the state must provide to the defendant at least ten days prior to trial:

- The complete criminal history of the informant, including any dismissed charges;
- Any deal, promise, inducement or benefit made to the informant in connection with his or her testimony;
- Any specific statements or recordings made by the suspect to the informant and the time, place and manner of the disclosure;
- All other filed cases in which the state intended to introduce the testimony of the informant in connection with a deal, promise, inducement or benefit, the nature of the deal, and whether the testimony was admitted in the case;
- Whether at any time the informant recanted the

testimony or statement, and if so, a transcript or copy of the recantation; and

- Any other information relevant to the credibility of the informant.

Each district attorney's office is to maintain a central record that tracks each case in which the state intended to introduce the testimony of a jailhouse informant and the District Attorneys Council is to maintain a statewide record of the information and prepare an annual report regarding the number of cases using jailhouse informant testimony.

Corrections

SB 1424 provides a \$2-per-hour raise, or an equivalent amount if not receiving an hourly wage, for each employee of the Department of Corrections (DOC) with a job description and location outlined in the measure.

HB 4160 authorizes the DOC to make lease payments for the North Fork Correctional Center. The bill also authorizes the expenditure of \$1.66 million for certain employee pay raises that were inadvertently left out of the previous year's raises, including an additional expenditure of \$29,213 for teacher pay raises. Lastly, the measure authorizes the expenditure of \$6 million for hepatitis C treatment. The governor line-item vetoed a provision that would have authorized the DOC to expend \$1.15 million to equalize the employee

pay scales within contracted private correctional facilities. In the veto message, the governor stated, “The state is not contractually obligated to increase private correctional facilities pay scales.” ■



Economic Development & Financial Services

Lawmakers successfully overrode vetoes on **HB 4018** and **SB 1002**. **HB 4018** creates the Rural Broadband Expansion Council, which is directed to conduct a study of rural broadband access in Oklahoma. The study will divide the state into separate geographic areas based on existing broadband capability, cost of service, estimated costs for improving access, likelihood of changes in access in the future, and other information as deemed relevant by the council. The council is further directed to develop policy recommendations conducive to establishing or improving rural broadband access. Finally, the measure requires the Oklahoma Department of Commerce to provide administrative support to the council, utilizing the Digital Transformation Program Revolving Fund for expenses incurred. A related measure, **SB 1002**, expands the Rural Broadband Expansion Council by two members, from 12 to 14.

SB 1362 loosens restrictions on projects that are prohibited from receiving state local government matching payments pursuant to the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act. Currently, any development project that uses more than 10 percent of its net leasable space for retail does not qualify for the matching payments. The measure increases the net leasable space limit for retail to 50 percent and exempts any space leased to a grocery or specialty food store from the limit when such stores provide healthy food options and

improve access for low income and low access geographies.

SB 1075 allows qualified establishments participating in the Quality Jobs Program to continue receiving incentive payments even if the business cannot meet quarterly payroll requirements for the program during the period of April 1, 2020, through June 20, 2021.

SB 1204 broadens the definition of *accredited program*, as it relates to a tax credit for software or cybersecurity engineers working in the state, to include computer science and computer engineer degree programs. The measure also deletes a section of law that requires qualified employers to count eligible tax credit claimants in their baseline employment figures for the purpose of participation in a Quality Jobs programs.

Business and Labor

During the COVID-19 pandemic, the Oklahoma Alcoholic Beverage Law Enforcement Commission issued a temporary waiver to allow the delivery of sealed containers of beer, wine and spirits. **SB 1928** makes the change permanent, allowing retail spirits licensees, small brewers, small farm wineries, and restaurants, bars, clubs and grocery stores that hold alcohol licenses to deliver and sell curbside alcoholic beverages. Licensees are prohibited from utilizing third-party vendors or delivery services to do so.

A related measure, **HB 1349** allows a retail beer licensee to sell malt beverages with an alcohol content of up to 15 percent. The previous limit was 8.99 percent.

SB 1542 allows the Oklahoma Accountancy Board to set a fee, not to exceed \$300, for reinstatement of a license if the applicant is registered in another jurisdiction.

Banking and Financial Services

SB 1682 preempts any local government rule, order or ordinance that restricts the location of, or regulates the interest rates and fees charged by, a business that is licensed or regulated by the Oklahoma Department of Consumer Credit. Local governments are also prohibited from any action that would disrupt the ability of licensed lenders to offer consumer loans. Any person aggrieved by a violation of the aforementioned restrictions has a right to sue for injunctive relief in district court.

Insurance

HB 2587 creates the Nondiscrimination in Health Care Coverage Act. The measure prohibits the state and all units of state government from developing a dollars-per-quality adjusted life year calculation for individuals with a disability in order to determine their health care coverage. Additionally, state agencies must:

- Post for public comment proposed utilization management measures, such as prior authorization requirements;
- Consult with organizations advocating for individuals with disabilities and older adults before implementing health coverage changes; and
- Submit an annual report to the Legislature outlining beneficiary access to services, with specific emphasis on individuals with disabilities and older adults. The report will be published on the state Medicaid website.

HB 3242 exempts Medicare supplemental policy insurers with fewer than 5,000 policyholders from the premium rate filing requirements.

SB 1642 modifies the time frame for an insurance producer to be appointed as an agent. The measure allows the appointing insurer to file notice of

appointment within 15 days from the date the first insurance application is submitted.

HB 3864 provides for the distribution of tax revenue from captive insurance companies to various retirement funds, the Insurance Commissioner and the General Revenue Fund.

Tourism

SB 1940 provides at least \$1 million in funding for the statewide branding initiative from funds appropriated to the Oklahoma Department of Commerce.

HB 2753 provides for the transfer of the Quartz Mountain Arts and Conference Center and Nature Park to the Oklahoma Tourism and Recreation Department (OTRD) effective October 1, 2020. Currently, Quartz Mountain is administered by a board of trustees and is under the jurisdiction of the Oklahoma

State System of Higher Education. A related measure, **HB 4141** appropriates \$508,031 to the OTRD for the transfer of rehabilitation of the Quartz Mountain assets.

SB 1941 directs the Oklahoma Capitol Improvement Authority to issue \$48.6 million in bonds on behalf of the OTRD for the purpose of constructing, repairing and rehabilitating state park facilities. The measure specifies that \$3 million of the bond proceeds must be used to rehabilitate the Quartz Mountain Nature Park.

SB 1555 expands the list of items and services purchased by the Oklahoma Tourism and Recreation Department that are exempt from the Oklahoma Central Purchasing Act.

HB 4158 requires the Oklahoma Historical Society to use \$410,000 of its FY 2021 appropriation to offset revenue losses among museums. ■



Education

HB 2743 directs \$180 million of the amount that would ordinarily go to the Rebuilding Oklahoma Access and Driver Safety Fund, under the direction of the Oklahoma Department of Transportation, to the State Department of Education's Education Reform Revolving Fund for the fiscal years beginning in 2020 and 2021. The Governor's veto of this measure was overridden by the Legislature.

Common Education

HB 2804 requires any student in grades K-3, who is not meeting grade-level reading targets, to be screened for dyslexia beginning with the 2022-23 school year. The measure requires the State Board of Education (SBE) to develop policies for dyslexia screening, and to approve a list qualified dyslexia screening tools. School districts are required to provide the SDE with data about dyslexia, including the number of students screened for dyslexia each year, the number of students identified, and the process used to evaluate students. As funds are available, the department is required to provide training on the best practices for dyslexia screening, beginning with the 2021-22 school year.

HB 1230 adds new transparency provisions to the Lindsey Nicole Henry Scholarships for Students with Disabilities Program. The measure requires the SDE to list on its website:

- All information a private school submits with its application to participate in the Lindsey Nicole Henry (LNH) program;
- All associations that accredit private schools within the LNH program; and
- The annual compliance statement for each participating private school.

Furthermore, HB 1230 requires the SDE to annually prepare and post to its website a report detailing:

- The total number and amount of scholarships awarded to each participating private school;
- The total number of scholarships denied;
- The total number and amount of scholarship payments suspended for each private school; and
- Data on participating students including economically disadvantaged status and disability category.

Due to the disruption of the school year caused by the pandemic, **HB 3964** allows a school district to exceed the general fund carryover limits during FY 2020 and avoid penalty.

HB 3400 requires all public high schools in the state to make a minimum of four advanced placement courses available to students, beginning with the 2024-25 school year. The advanced courses may be available through a school site within the district, a CareerTech institution

within the district, a program offered by the Statewide Virtual Charter School Board, or a school site in another district. The SDE is directed to provide information for students and parents, to be distributed through local boards of education, on available opportunities and the advanced placement enrollment process. The measure also requires the Statewide Virtual Charter School Board to maintain an online learning platform that provides online classes to all Oklahoma school districts.

HB 3398 requires any teacher currently employed by an Oklahoma public school, who does not have an Oklahoma criminal history record check or a national criminal history record check on file, to have these background checks completed upon the next renewal of their standard teaching certificate. Teachers who are eligible to retire, and any other person employed by a public school who does not have a state and federal record check on file, must complete these background checks by July 1, 2022. Further, the measure prohibits school boards from entering into contracts with teachers who have not completed an Oklahoma criminal history record check.

HB 3369 reduces the percentage of state aid, from 5 percent to 3 percent, a sponsoring school district can retain from a charter school for administrative services. The measure prohibits a sponsoring district from charging a charter school any additional fees, unless the fees are

for services rendered. A charter school sponsor must provide financial records to the State Department of Education (SDE) detailing any state funds it retains for administrative services.

The measure also creates the Charter School Closure Reimbursement Revolving Fund to be used by the SDE for reimbursing charter school sponsors for costs incurred due to the closure of a charter school. Each charter school is required to pay \$5 per student to the fund, and must complete the payment every school year within 30 days after the first nine weeks. If the fund has a balance of \$1 million on July 1, no payment is required the following school year.

HB 3466 modifies the process for selecting which textbooks are used in Oklahoma's public schools. The measure requires:

- The State Superintendent of Public Instruction, or a designee, to serve as the Chair of the State Textbook Committee beginning April 1, 2021;
- The SDE, in coordination with the State Textbook Committee, to approve an application process for creating review teams that will assist in analyzing textbooks and instructional materials;
- The SDE, in consultation with the committee, to adopt a rubric and rating system for evaluating textbooks, to be used by the review teams;
- The review teams to evaluate all materials in accordance with the rubric and rating system. However, the committee is not required to accept the review team's recommended rating;
- The committee to adopt a final rating for each textbook. The completed rubric for each evaluated textbook, including the review team's recommendations, must be made publicly available on the State Textbook Committee website; and

- Any local textbook committee wishing to adopt a textbook not reviewed by the committee to conduct a review in a manner prescribed by the State Board of Education (SBE).

Lastly, the measure subjects the committee to the Oklahoma Open Meetings Act.

SB 1198 creates the Riley Boatwright Act, which requires school districts to coordinate with their local emergency medical service providers and develop a plan for providing emergency services at school events. The plan must be developed before the 2020-21 school year begins, and reviewed and updated annually.

SB 1803 creates the Imagination Library Revolving Fund to be used by the SDE, contingent on the availability of funds, to operate and promote the Imagination Library Program in Oklahoma. The program is designed to encourage young children to read by distributing books to the homes of children age 5 and under, on a monthly basis. The program is to be funded by 50 percent private funds and 50 percent appropriated funds. The SDE is authorized to retain up to 10 percent of the money in the fund for operating expenses.

Teacher Certification

SB 1125 directs the SBE to issue a teaching certificate to anyone with a valid out-of-state teaching certificate. The individual is exempted from taking competency exams as long as the Oklahoma teaching certificate is only valid for the subjects and grades most closely aligned to those recognized on the out-of-state certificate. The individual must have a current Oklahoma criminal history record check on file as well as a national criminal history record check.

SB 1115 allows the SBE to renew a teacher's emergency or provisional certificate if the teacher meets the following criteria:

- They have worked for a school district for at least two years;
- They have not completed the competency exams; and
- They submit a portfolio of their work to the SBE, which includes progress toward standard certification.

The superintendent of the employing school district must provide the SBE with evidence of their inability to hire a teacher who holds a standard certificate. The measure exempts individuals who hold emergency or provisional certificates from being protected under the Teacher Due Process Act of 1990.

SB 1436 authorizes the SBE to issue a standard certificate, or a one-year provisional teaching certificate, to qualified individuals in the area of comprehensive special education. The measure also creates a two-year provisional teaching certificate in the area of severe-profound disabilities, and establishes eligibility requirements. Individuals seeking the two-year provisional certificate must obtain a standard certificate in the area of mild-moderate disabilities, and complete a micro-credentialing program approved by the SBE, or a subject area competency examination.

HB 3142 provides flexibility for those seeking a school principal certification. Currently, a school principal must complete a standard master's degree, and a program in education administration with an emphasis on curriculum, instruction and building-level leadership skills. The measure exempts a person from completing a program in education administration, as long as their master's degree program included competencies substantially equal to those listed above, and they completed their master's degree prior to July 1, 2005.

Virtual Charter Schools

HB 2905 creates the Virtual Charter School Reform and Transparency Act of 2020, which addresses transfer, attendance and truancy policies.

Transfer policy changes include:

- A student who enrolls in a virtual charter school is to be considered a transfer student from their resident district;
- Upon notice that a student has transferred to a virtual charter, the resident district has three days to transmit the student's records to the virtual school; and
- After a student transfers to a virtual charter for the year, the student is not allowed to transfer to any other virtual charter without the concurrence of both their resident district and the receiving virtual school.
- Attendance policy changes include:
- A student's first date of attendance at the virtual school is the first date they complete an instructional activity;
- The number of instructional activities a student must complete each quarter in order to be considered in attendance for that quarter is increased from 40 to 72;
- The definition of *instructional activity* is modified to mean a meeting with a teacher, a graded assignment, school-sanctioned field trips, or orientation; and
- Virtual charter school students are now required

to go through an orientation prior to completing any other instructional activities.

Truancy policy changes include:

- Any student that does not complete an instructional activity for 15 consecutive school days is to be withdrawn for truancy;
- If a virtual charter school withdraws a student for truancy, the virtual school is required to immediately notify the student's resident district in writing; and
- A student who is reported for truancy twice in the same school year must be withdrawn and prohibited from enrolling in the same virtual school for the remainder of the school year.

SB 212 modifies the way a statewide virtual charter school's funding is calculated. The measure:

- Removes the mandate that a virtual charter school's weighted average daily membership (WADM) be determined by multiplying its enrollment by 1.333. Currently this calculation only occurs for a virtual school's first year in operation, and its WADM calculation for subsequent years is the same as a public brick-and-mortar school's;
- Mandates that a virtual charter school experiencing a significant decline in membership has their weighted calculation based on the first nine weeks of the current school year and not on the preceding school year or the

second preceding school year. The measure defines *significant decline*; and

- Eliminates the special calculation used to determine the initial allocation of state aid for nonresident transferred pupils enrolled in online courses.

Miscellaneous Education

HB 3870 authorizes the Commissioners of the Land Office to invest up to 5 percent of the total value of the assets of the permanent school funds in real property.

HB 3916 allows a person to use any form of applicable retail payment to purchase lottery tickets.

Higher Education

Two measures became law not withstanding the Governor's veto. **HB 2749** places a cap of \$671.2 million on the total amount of state matching funds for the endowed chairs program at qualifying institutions of higher learning. **HB 2750** authorizes the issuance of bonds in the amount of \$314.4 million to fund the state match portion of the endowed chair program.

HB 3223 allows schools, colleges and persons that are authorized to dissect and experiment on cadavers to retain tissue from the bodies and donate it to a person or entity for the purpose of training a dog to search for human remains. The Oklahoma State Bureau of Investigation is to be notified should tissue be lost or stolen. ■



Energy & Utility Regulation

SB 1592 expands the scope of the Oklahoma Energy Independence Act, from commercial property to all property except single-family residences. The measure authorizes a county to establish a Property Assessed Clean Energy (PACE) program without first establishing a County Energy District Authority. A county which approves a PACE program is authorized to enter into contracts with property owners and capital providers, in which the property owner is deemed to consent to the levying and collection of annual assessments to repay the loan. The capital provider collects the assessment directly or through a service, and is authorized to enforce

a lien for an unpaid assessment. Finally, the bill clarifies procedures relating to sale of a property for unpaid PACE assessments.

SB 1875 creates the Oil and Gas Produced and Waste Recycling and Reuse Act. The measure:

- Clarifies the rights to ownership of, and proceeds from, water and waste produced from the borehole of an oil or gas well;
- Shields a person from liability for subsequent use of recycled water or treated waste components if processed in a manner suitable for oil and gas operations; and

- Clarifies the applicability of the Oklahoma Brine Development Act to produced water and waste based upon how the water or waste is used.

SB 1225 amends the Oklahoma Underground Facilities Damage Prevention Act. The measure limits the proposed area of work identified in notices sent to affected operators, to 500 linear feet in an incorporated area or one linear mile in an unincorporated area. The measure also requires an agency to consult with the statewide one-call notification center when approving a certified project or preengineered project. ■



General Government

State Government

SB 661 allows a public body to hold a meeting or executive session by teleconference or videoconference during the state of emergency related to COVID-19. A teleconference or videoconference meeting must be stopped if the audio connection fails, and reconvened once the connection is restored. The meeting notice and agenda must indicate if teleconferencing or videoconferencing will be used, as well as the method of appearance of each member of the public body. Once the notice is published, a member may not change their method of appearance. The provisions of the bill are effective until November 15, 2020 or the Governor declares the state of emergency to be terminated, whichever comes first.

HB 3613 prohibits any public agency in the State of Oklahoma from:

- Requiring an individual to provide information on affiliation with any nonprofit organization;
- Requiring any nonprofit to provide information on individuals affiliated with them;
- Releasing any nonprofit affiliation information which is in possession of the state, subdivision or agency; or
- Requiring a contractor or grantee to provide a list of nonprofit entities to which it has provided support.

The measure also exempts personal affiliation information from the Open Records Act.

HB 4139 transfers the Robert S. Kerr and J. Howard Edmonson buildings in Tulsa to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, subject to funding for the Oklahoma Veterans Inpatient Facility in Tulsa by the federal government. Any agency currently occupying space in the buildings will be required to pay to the Board of Regents a monthly rent determined the Office of Management and Enterprise Services (OMES). The measure authorizes OMES to acquire properties or facilities from the Commissioners of the Land Office for relocation of those agencies. Finally, the measure repeals a statute that named these two buildings.

HB 3819 was enacted by veto override. It authorizes members of the Legislature to review contracts and any other form of agreement made by a state agency. The measure also makes it unlawful for an agency to prohibit any person or entity from communicating with the Legislature.

SB 1422 makes a number of changes to the Oklahoma Central Purchasing Act, including:

- Changing the definition of *acquisition* to include any item of value provided to the state;
- Amending the definition of *contract* to allow for financial incentives in lieu of payment;

- Broadening the authority of the State Purchasing Director to hire appropriate staff;
- Exempting from the Central Purchasing Act statutorily allowed interagency agreements and transactions in which a state agency functions only as a pass-through;
- Allowing emergency acquisitions to be exempt from some requirements;
- Raising the acquisition threshold on agency purchases requiring a competitive bid process from \$5,000 to \$25,000;
- Clarifying the authority of the State Purchasing Director to designate certain contracts for state agencies as statewide contracts; and
- Designating the state purchase card program administered by the Purchasing Division as the only card program authorized for use by state agencies, except for the state fleet card.

SB 1933 authorizes the Oklahoma Capitol Improvement Authority to borrow \$16 million to acquire property and construct or rehabilitate a facility on the grounds of the Northern Oklahoma Resource Center of Enid. The property will be transferred to the Department of Human Services after the debt obligations are retired, and may be leased to DHS until then.

HB 3967 prohibits the state from contracting with companies that

boycott Israel and prohibits the state from adopting procurement, investment or other policies that have the effect of inducing or requiring a person to boycott Israel. All companies seeking a contract with the state will be required to submit a written certification that the company is not currently engaged in the boycott of goods and services from Israel. The prohibition and written certification requirement are applicable to any contract for the acquisition of goods or services with an aggregate value of more than \$100,000 and may be waived by the Secretary of State if the secretary determines that compliance is not practicable.

SB 1138 appropriates \$4 million to the Oklahoma Employment Security Commission from funds made available to the state by the federal Unemployment Compensation Modernization Transfer for the administration of the Employment Service Program and Unemployment Insurance Program.

SB 1262 directs the Oklahoma Capitol Improvement Authority to fund an escrow account for the purpose of defeasing a bond that was issued to provide office space for the Oklahoma Tourism and Recreation Department. Funding will come from unspent bond proceeds, investment earnings and legislative appropriations to the newly created Obligation Defeasance Revolving Fund.

HB 2823 extends the sunset dates for various entities that were set to sunset this year. The entities, which are extended until July 1, 2023, are:

- Board of Chiropractic Examiners;
- Board of Examiners in Optometry;
- Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma;
- Child Death Review Board within the Oklahoma

Commission on Children and Youth;

- Commission on County Government Personnel Education and Training;
- Construction Industries Board;
- Hazardous Waste Management Advisory Council;
- Long-Term Care Facility Advisory Board;
- Oklahoma Abstractors Board;
- Oklahoma Accountancy Board;
- Oklahoma Advisory Council on Indian Education;
- Oklahoma Board of Licensed Alcohol and Drug Counselors;
- Oklahoma Board of Licensed Social Workers;
- Oklahoma Climatological Survey;
- Oklahoma Educational Television Authority;
- Oklahoma Funeral Board;
- Polygraph Examiners Board;
- Radiation Management Advisory Council;
- Reentry Policy Council;
- Solid Waste Management Advisory Council;
- State Anatomical Board;
- State Board of Examiners of Certified Shorthand Reporters;
- State Board of Licensure for Professional Engineers and Land Surveyors;
- State Board of Veterinary Medical Examiners; and
- Water Quality Management Advisory Council.

HB 4025 directs each state agency to send to the Legislative Office of Fiscal Transparency raw datasets as requested by the office.

SB 1944 requires the director of the Office of Management and

Enterprise Services to publish daily reports of all expenditures of funds from the Coronavirus Aid, Relief and Economic Security (CARES) Act on the Oklahoma Checkbook website.

HB 1799 authorizes the Secretary of State to provide for the annual compilation of the Oklahoma Statutes and the Oklahoma Session Laws in an electronic format that is accessible to the public free of charge, rather than purchasing hard copies and distributing them to members of the legislative, executive and judicial branches and to other state and county governmental entities.

HB 2840 allows the Department of Environmental Quality (DEQ) to sell its building in downtown Oklahoma City and relocate, along with the Oklahoma Tourism and Recreation Department, the State Department of Health, the Oklahoma Tax Commission, Oklahoma Water Resources Board, Oklahoma Department of Labor and Oklahoma Department of Mines, to purchased or lease-purchased office space in Oklahoma County. The sale of the DEQ building will be facilitated by the Commissioner of the Land Office, as long as a sales transaction is financially sufficient.

SB 1948 merges duplicate sections of statute enacted during the 2019 legislative session.

County and Municipal Government

To give cities flexibility in their budget development, **SB 187** creates the Municipal Government COVID-19 Emergency Budget Act to allow municipal governments to adopt a temporary budget for the 2021 fiscal year if the governing body determines adopting a yearly budget is not in its best interest of the municipality due to the effects of the pandemic on sales tax revenue projections.

SB 1682 preempts any local government rule, order or ordinance that restricts the location of, or regulates the interest rates and

fees charged by, a business that is licensed or regulated by the Oklahoma Department of Consumer Credit. Local governments are also prohibited from any action that would disrupt the ability of licensed lenders to offer consumer loans. Any person aggrieved by a violation of the aforementioned restrictions has a right to sue for injunctive relief in district court.

HB 3619 prohibits a municipality or county from adopting an ordinance or rule restricting residential connections to certain utility provider facilities. The measure also prohibits discrimination in adoption of rules or codes against utility providers based upon the nature or source of the service provided.

SB 1713 prohibits a municipality from adopting or imposing design element requirements for single-family residential buildings, unless the building is historic or subject to local ordinances relating to zoning, public safety, redevelopment or tax increment finance district. Design elements may also be imposed if they are directly and substantially related to building safety, applied to manufactured housing in a manner consistent with state or federal law, or adopted as a condition for the National Flood Insurance Program.

HB 3271 authorizes counties to establish online bidding processes. Online bidders may be required to register before the stated opening date and be required to agree to terms and conditions.

Elections

SB 1779 designates absentee ballot harvesting as a crime, which is defined as collecting an absentee ballot from another person with the intent of returning it to election officials on behalf of that person; requesting or receiving an absentee ballot for another person; completing an application for an absentee ballot for another person without that person's consent, or notarizing or

witnessing more absentee ballots than allowed by law. It is a felony for any person to engage in or direct another person to commit acts of absentee ballot harvesting involving ten or more ballots at any one election and a misdemeanor to do the same involving fewer than ten ballots.

Further, the measure authorizes the Secretary of the State Election Board to use state and federal funds to reimburse county election boards for election-related expenses during calendar year 2020, as well as for items related to the COVID-19 pandemic that are deemed necessary. The bill provides that state and political subdivision employees may be granted up to three days of paid administrative leave in 2020 if they serve as a precinct official or other election worker authorized by law. Additional provisions of the bill include:

- Directing state entities and political subdivisions located in a precinct without a suitable polling place available to make space available upon request by the secretary of the county election board;
- Allowing a secretary of a county election board to combine multiple precincts into a single polling place;
- Authorizing the Secretary of the State Election Board to develop protocols to be used during an emergency declaration related to the pandemic; and
- Requiring the district attorney or member of law enforcement to investigate any possible criminal violation of law related to absentee ballot requests that is brought to their attention.

SB 210 creates alternative procedures related to absentee ballot affidavits for elections held in 2020. If a State of Emergency related to the COVID-19 pandemic declared by the Governor is in effect 45 days prior to, or within, a scheduled election, a voter can request an absentee ballot and attach a photocopy of a form of identification to the affidavit, in lieu

of having the affidavit notarized and his or her signature witnessed by two people. The measure also establishes an alternative process for the delivery of absentee ballot applications to residents of long-term care facilities and modifies the criteria to qualify as physically incapacitated for purposes of requesting an absentee ballot to include COVID-19-related health issues.

HB 3826 requires initiative and referendum petitions to include the voter's first and last name, zip code, house number and month and day of birth. At least three of these data points must be matched to the voter registration file in order for the signature to be approved by the Secretary of State. Further, the bill requires the secretary to design a form to be used by proponents when collecting signatures.

HB 3827 amends the definition of *state question*, as it is used in the Ethics Commission Rules, to mean an initiative or referendum petition that has been assigned a state question number by the Secretary of State, assigned a state question number by the Secretary of State, rather than one for which the Governor has set the date for an election to held on the question. This change results in earlier reporting to the Commission of expenditures used by persons and political action committees to communicate support or opposition to a state question.

HB 2871 authorizes registered voters participating in the Address Confidentiality Program to use the address given to them by the Attorney General to sign an initiative or referendum petition.

SB 1825 allows the secretary of the State Election Board to accept a provisional certification of a recognized political party's nominees for president and vice president prior to the July 15 deadline if the party's nominating convention is scheduled to conclude after that date. The official certification of nominees must

be provided to the secretary upon adjournment of the convention.

Retirement

HB 3350 authorizes a cost of living adjustment (COLA) between 2 and 4 percent for retirees of the teachers', firefighters, public employees, judges and justices, law enforcement and police pension systems. The COLA percentage is based on the number of years that the individual has been retired as of July 1, 2020 and is equal to 4 percent for those retired five years or more and 2 percent for those retired at least two, but less than five years.

HB 2272 designates deputy sheriffs and jailers first employed on or after November 1, 2020, as hazardous duty members of the Oklahoma Public Employees Retirement System. Hazardous duty members receive increased retirement benefits compared to non-hazardous duty employees and are subject the following contribution and benefit structure:

- The employee contribution rate is 8 percent of compensation whereas the employer contribution rate is 16.5 percent;
- Members are eligible to receive full, unreduced retirement benefits after 20 years of service; and
- Benefits are calculated using a 2.5 percent per-year multiplier for

the first 20 years of service and a 2 percent per-year multiplier for service in excess of 20 years.

The measure also provides full retirement benefits to the surviving spouse or eligible children of these employees if they are killed during the performance of their job duties.

HB 3330 modifies the disability pension standards for members of the Oklahoma Police Pension and Retirement System (OPPRS) by requiring the Board of Trustees for OPPRS to make a determination that any police officer who sustains an injury during a violent act while in the performance of their duties is 100 percent disabled and entitled to a 100 percent normal disability benefit.

Two measures were enacted by successful veto overrides, **HB 2741** and **HB 2742**. **HB 2741** increases the percentage of sales, use, individual income and corporate income tax revenue apportioned to the Education Reform Revolving Fund beginning September 1, 2020, through the end of FY 2022. The increased funding for education, estimated at \$73 million for FY 2021, is offset by equivalent percentage reductions of revenue dedicated to the Teachers' Retirement System of Oklahoma (OTRS). OTRS will receive increased apportionments in FY 2023 through FY 2027 to make up for the lost revenue.

HB 2742 modifies the apportionment formula for insurance premium tax revenue to provide funding to the

Education Reform Revolving Fund from September 1, 2020, through the end of FY 2022. The funding provided to education, estimated at \$39 million for FY 2021, is offset by equivalent percentage reductions of revenue dedicated to the Oklahoma Law Enforcement Retirement System Oklahoma Police Pension Retirement System and Oklahoma Firefighters Pension and Retirement System. The affected pension systems will receive increased apportionments in FY 2023 through FY 2027 to make up for the lost revenue.

In response to the federal Secure Act, two bills make the necessary changes to keep the retirement plans for state employees and judges in compliance with the Internal Revenue Code. **HB 3938** increases, from 70 ½ to 72, the required minimum distribution age for member benefits from the Uniform Retirement System for Justices and Judges. **HB 3939** does the same for the Oklahoma Public Employees Retirement System.

SB 1665 updates statutory references to workers' compensation laws that relate to the Oklahoma Firefighter Pension and Retirement System.

HB 3864 provides for the distribution of tax revenue from captive insurance companies to various retirement funds, the Insurance Commissioner and the General Revenue Fund.

Miscellaneous

SB 1877 requires buildings owned or leased by the state, where state employees work, to contain a lactation room for employee use.

SB 285, a related measure, requires a state agency to allow an employee who is lactating reasonable paid break time to use a designated lactation room. ■

Number of Retirees Eligible for a COLA Under HB 3350

System	2 Percent COLA Retiree Count	4 Percent COLA Retiree Count	Total Retirees
Teachers	8,856	53,069	61,925
Public Employees	5,522	33,443	38,965
Judges	34	260	294
Police	311	3,418	3,729
Law Enforcement	218	1,192	1,410
Fire-Paid	433	2,743	3,176
Fire-Volunteer	617	4,995	5,612
	15,991	99,120	115,111

Source: Oklahoma state pension system directors



Health & Human Services

Health

In response to the COVID-19 pandemic, the Legislature passed **HB 2938**, amending the circumstances under which records related to a public health investigation may be released. If the Oklahoma State Department of Health (OSDH) determines that releasing a patient's records is necessary to protect the public health, it may only do so if the release is authorized under the Health Insurance Portability and Accountability Act.

HB 4041 requires funeral directors to notify employees of potential risks related to the exposure of transmissible diseases. If a funeral director or embalmer is notified that a deceased person has tested positive for a transmissible disease, they must notify any person transporting or preparing the body for disposition.

Health care entities responsible for the release of a body that has tested positive for certain communicable diseases must notify the funeral director or embalmer immediately. The bill protects health care workers testing blood for communicable diseases from civil or criminal liability, provided the test was performed according to clinical standards. Health care workers providing test results to funeral directors or embalmers are also immune from civil or criminal liability.

Lastly, the measure requires the Oklahoma Department of Corrections

and local jails to notify their employees of inmates who have tested positive for certain communicable diseases. If an inmate testing positive for a communicable disease dies, the institution must notify the funeral director or embalmer.

SB 1748 modifies multiple provisions related to hospital licensure. An entity may only be licensed as a hospital if it is primarily engaged in inpatient diagnostic, therapeutic and rehabilitative services. The OSDH may consider a number of factors when determining whether a facility meets the eligibility requirements, including the facility's number of inpatient beds, average daily census, average length of stay, staffing patterns and other factors. If a facility has an average daily census of at least two and an average length of stay of at least two nights in the past 12 months, the facility will automatically be considered a hospital. Critical access hospitals are exempt from average daily census and average length of stay requirements.

Lastly, hospitals with emergency departments must comply with the federal Emergency Medical Treatment and Labor Act, regardless of whether or not the hospital participates in Medicare. Emergency departments must also post signage stating their participation status in any federally sponsored health insurance program.

SB 1423 raises the minimum age for using tobacco products from 18 to 21

years old, aligning state and federal law.

SB 1058 authorizes the expenditure of certain appropriations to the OSDH, including:

- \$2 million to be used to carry out the Choosing Childbirth Act; and
- \$1.9 million to be disbursed to health centers authorized under the Public Health Services Act. Disbursement must be used to increase access to primary care in medically underserved areas and populations.

SB 1905 increases the minimum population a county must have in order to automatically be granted a city-county board of health, from 225,000 to 500,000. Counties with populations between 225,000 and 500,000 have the option to create a city-county board of health.

SB 1349 replaces a statutory reference to the State Board of Health with the State Commissioner of Health as the oversight authority within the Oklahoma Public Health Advisory Council Modernization Act.

Mental Health

SB 1718 requires health benefits policies to provide coverage for mental health and substance use disorder services. Further, the measure requires small employers to provide mental health and substance use disorder benefits. Health benefit plans may not impose non-quantitative limitations on mental

health and substance use disorder benefits that are more stringent than ones imposed on medical and surgical benefits.

Insurers must submit to the Insurance Commissioner an annual report documenting criteria determining medical necessity for mental health and substance use disorder treatment, and limitations imposed on those benefits versus medical and surgical benefits. The report must be made public by June 1 of each year. Insurers failing to comply with the provisions of the bill may be subject to license suspension or revocation, or other penalties as determined by the commissioner.

HB 4157 directs the expenditure of certain appropriations to the Oklahoma Department of Mental Health and Substance Abuse Services, including \$500,000 for suicide prevention in the event of federal funding reductions and \$500,000 to establish five pilot programs to provide incarcerated individuals in county jails access to treatment for opioid and alcohol dependence.

SB 1516 reduces the number of Board of Mental Health and Substance Abuse Services members who must be present in order for the Board to meet quorum, from six to five members.

Health Professions

SB 1823 requires midwives to be licensed by the OSDH and be certified by either the North American Registry of Midwives or the American Midwifery Certification Board. The department is directed to promulgate rules, in consultation with health care providers, for:

- Licensure, including determining the scope of practice;
- Establishing a formulary of prescription drugs midwives may administer;
- Procedures for obtaining informed consent;

- Establishing applicant qualifications and continuing education requirements; and
- Setting penalties and fees.

The application fees may not exceed \$1,000 and licenses will be valid for three years. The OSDH is directed to maintain a public list of licensed midwives. Further, practicing midwives must disclose to potential clients information related to their credentials, malpractice insurance and plans for an emergency, including the selection of a hospital. Midwives must recommend medical consultation for women at risk for complicated pregnancy. A physician or Certified Nurse-Midwife instructing a midwife is immune from liability if the midwife fails to comply with the order.

SB 1915 modifies the Physician Assistant Act by:

- Allowing physician assistants to practice under the delegation of, rather than under the supervision of, a physician under a practice agreement;
- Defining *practice agreement* as an agreement between a physician and a physician assistant to determine the physician assistant's scope of practice. The practice agreement must include methods of supervision for diagnosis and treatment;
- Allowing physician assistants to have practice agreements with multiple physicians, and requiring all practice agreements to be filed with the State Board of Medical Licensure and Supervision;
- Requiring the State Board of Medical Licensure and Supervision to publish a report compiling data on practice agreements between physicians and physician assistants;
- Removing the requirement that a physician be present at the

practice site in order to review outpatient medical records;

- Stating that physician assistants are to be considered primary care providers for insurance purposes;
- Allowing for physician assistants to bill for services if the services would have been covered for an in-network physician;
- Directing in-network physician assistants to be the rendering professional for billing purposes;
- Prohibiting insurers from imposing requirements that are more restrictive than state physician assistant regulations;
- Allowing physician assistants to provide voluntary emergency care and be immune from civil liability; and
- Prohibiting physician assistants from referring to themselves as a doctor.

SB 801 allows Certified Registered Nurse Anesthetists (CRNAs) to administer anesthesia in collaboration with, rather than under the supervision of, a physician or dentist. The measure defines *collaboration* as an agreement between a physician or dentist and CRNA regarding the anesthesia plan. The physician or dentist must be available for on-site consultation.

Oklahoma joins the Audiology and Speech-Language Pathology Interstate Compact with the passage of **SB 1837**, allowing license reciprocity for audiologists and speech-language pathologists in member states. The measure:

- Outlines education requirements for audiologists and speech-language pathologists;
- Requires participating providers to follow the laws of the client's state;
- Outlines licensure procedures for providers transferring states; and

- Authorizes states to take action against providers offering services within their jurisdictions; however, only the state issuing the license may discipline the licensee.

The measure also creates the Audiology and Speech-Language Pathology Compact Commission, which is directed to establish rules of the compact, resolve disputes between member states and create a database containing licensure information of participating providers. Each state is entitled to two delegates to serve on the commission. The compact will take effect once 10 state legislatures have enacted the compact into law.

HB 3862 allows a licensed optometrist to dispense drugs.

SB 1525 requires applicants for allopathic and osteopathic licensure to undergo national criminal history checks. Information resulting from the criminal background checks may not be distributed outside the state.

SB 1276 increases, from 50 percent to 75 percent, the proportion of funds the Physician Manpower Training Commission must allocate for primary care training programs for rural and underserved areas.

SB 1835 requires that continuing education courses for behavioral health practitioners be certified by the American Association of Masters in Psychology.

SB 1290 makes it a felony to assault any medical provider, rather than only emergency medical providers. Further, the bill increases the punishment for aggravated assault against a medical provider from up to one-year imprisonment to two-to five-year imprisonment. Health facilities are directed to display a sign informing individuals of the crime, and to report all assaults to the State Department of Health annually.

Medicaid

Preparing for possible Medicaid expansion in the state, the Legislature looked to the Tobacco Settlement Endowment Trust as a potential funding source. **SJR 27** a constitutional amendment to lower the proportion of annual tobacco settlement payments directed to the Tobacco Settlement Endowment Trust Fund, from 75 percent to 25 percent. The remaining funds would be directed into a special tobacco settlement fund managed by the Legislature and primarily used to draw down matching funding for Medicaid. Voters will approve or disapprove the change under State Question 814.

A related measure, **SB 1529**, establishes a new apportionment formula for funds received from tobacco settlement lawsuits not already apportioned to the Tobacco Settlement Endowment Fund contingent upon State Question 814 being approved by voters. To ensure that the Attorney General's Evidence Fund receives the same share of the settlement payments, the measure directs those funds be distributed as follows:

- 91.67 percent to the Tobacco Settlement Fund; and
- 8.33 percent to the Attorney General's Evidence Fund.

Another Medicaid funding measure, **SB 1935** authorizes the transfer of funds from the Revenue Stabilization Fund required for expansion in FY 2021.

SB 1937 strikes language requiring that the Oklahoma Health Care Authority (OHCA) utilize the Rate Preservation Fund solely to maintain provider reimbursement rates in the event the state's Federal Medical Assistance Percentage decreases.

The measure allows the OHCA to use the fund more broadly to maintain provider reimbursement rates.

SB 1073 authorizes the Oklahoma Health Care Authority to utilize the Health Employee and Economy Improvement Act (HEEIA) Revolving Fund to fund the state's share of the Oklahoma Medicaid program. The HEEIA Fund, which currently has a balance of \$64.1 million for FY 2020, was created in 2003 to support the Insure Oklahoma Program using tobacco tax revenue.

HB 4155 directs the OHCA to revise payment methodologies for hospital-based rural health care clinics in order to maximize federal funds, and authorizes certain actions to help with budget management for the next two fiscal years.

Children, Youth and Families

SB 1739 creates the Barbara E. Hoover Act, which provides that the statutory authorization and requirements related to electronic monitoring in nursing facilities also applies to assisted living centers and continuum of care facilities.

HB 1276 deletes authorization for the revocation, suspension, non-issuance or nonrenewal of any occupational, professional, business or driving license of someone who has failed to pay child support for at least 90 days.

HB 1282 prohibits children aged 14 and younger from being placed in a juvenile detention facility, unless certain conditions have been met. Detention of children aged 12 years or younger must be judicially reviewed.

HB 2588 allows courts to grant guardians the power to consent to withdrawing or withholding life-sustaining procedures through a separate order. ■



Judiciary

SB 1947 creates the COVID-19 Product Protection Act, which provides civil immunity to anyone involved in the design, manufacturing, labeling, selling, distribution or donation of third party or off-label cleaning supplies and personal protective equipment in response to the

COVID-19 public health emergency. The immunity is only applicable if the individual does not make such products in the ordinary course of business and also extends to any government entity, health care facility, health care provider, first responder, or business that selects, distributes or uses such products. The legal protections provided for in the bill are only applicable to claims filed on or after the March 15, 2020, emergency declaration by the Governor and do not apply to anyone who had knowledge of a product defect or acted with deliberate indifference or intention to cause harm.

HB 2673 rejects the judicial salary increase of 9.23 percent recommended in the Final Report of the Board on Judicial Compensation issued in 2019. The measure provides an increase of 4.5 percent for certain judicial positions, to take effect on July 1, 2020.

SB 1947 creates the COVID-19 Product Protection Act, which provides civil immunity to anyone involved in the design, manufacturing, labeling, selling, distribution or donation of third party or off-label cleaning supplies and personal protective equipment in response

to the COVID-19 public health emergency. The immunity is only applicable if the individual does not make such products in the ordinary course of business and also extends to any government entity, health care facility, health care provider, first responder, or business that selects, distributes or uses such products. The legal protections provided for in the bill are only applicable to claims filed on or after the March 15, 2020, emergency declaration by the Governor and do not apply to anyone who had knowledge of a product defect or acted with deliberate indifference or intention to cause harm.

SB 300 creates the COVID-19 Public Health Emergency Limited Liability Act. The measure protects a health care facility or health care provider from civil liability for any harm to a person with a suspected or confirmed diagnosis of COVID-19 caused by an act that occurred during the treatment of the person, provided it was not the result of gross negligence or willful misconduct. The provisions of the measure are to be in effect until October 31, 2020, or until such time as the Governor affirmatively concludes the emergency declaration, whichever is later.

SB 1946 protects persons or entities conducting business in the state from civil liability for actions related to exposure or potential exposure to COVID-19 if the action taken by the person or entity was in compliance or consistent with federal or state regulations.

SB 1054 extends the date from June 30, 2020, to June 30, 2021, during which the Office of Management and Enterprise Services may transfer monies requested by the Administrative Director of the Courts from the Lengthy Trial Fund to the Supreme Court Administrative Revolving Fund or the Interagency Reimbursement Fund.

HB 3756 authorizes the use of videoconferencing technology in district courts for civil or criminal proceedings, excluding jury trials or trials before a judge.

HB 2668 adds jail trusts created by a board of county commissioners in a county with a population greater than 600,000 to the list of political subdivisions that are under the jurisdiction of courts of records for money judgements.

SB 1728 creates the Unborn Person Wrongful Death Act, allowing parents and grandparents of unborn children to seek damages against a physician for abortions performed:

- Without the consent of the pregnant woman;
- If the pregnant woman was a minor;
- Resulting in mental or physical harm to the pregnant woman;
- Without screenings to determine potential risk factors; or
- In violation of other state laws.

Physicians may not waive liability prior to performing the abortion.

Recoverable damages may not include the cost of the abortion. Lastly, the measure removes the exclusion of legal abortions from deaths that may constitute recoverable damages.

HB 1038 reauthorizes the Administrative Director of the Courts to request that the Office of Management and Enterprise

Services transfer funds from various revolving funds to the Supreme Court Administrative Revolving Fund or the Interagency Reimbursement Fund.

Workers' Compensation

HJR 1028 approves the workers' compensation fee schedule for

maximum reimbursement rates paid to medical providers as proposed by the Workers' Compensation Commission.

SB 1375 includes chiropractic treatment in the list of necessary services an employer must provide an employee with a compensable injury. ■



Public Safety

In an effort to strengthen the role of victims impact panels in helping stop driving under the influence offenses, **HB 2877** establishes a set fee to attend a victims impact panel at \$75. Previously, the fee was a minimum of \$15 to not more than \$60. Certified assessment agencies and certified assessors or providers are prohibited from providing a victims impact panel and may not have any proprietary or monetary interest in a victims impact panel program. Beginning October 1, 2020, victims impact panel providers are required to submit certain information to the District Attorneys Council, which will certify the panels to ensure they meet all statutory requirements and operate properly. Additionally, providers will pay a \$1,000 registration fee to the council.

HB 4138 creates the Political Subdivisions Opioid Abatement Grants Act to promote and protect the health of Oklahomans by using monetary grants to abate the opioid crisis in a comprehensive manner that includes collaboration with political subdivisions. The measure creates the nine-member Oklahoma Opioid Abatement Board to develop and implement procedures for the disbursement of opioid grant awards to eligible participants, to be used by eligible participants to fund and reimburse costs related to approved purposes. The Office of the Attorney General is to provide staff support to the Board. Criteria for grant awards is to be based upon where the opioid needs are most prevalent. Two related measures, **HB 4140**, appropriates

\$10,220,000 to the Oklahoma Opioid Abatement Revolving Fund and **SB 1930** redirects \$3 million from the Opioid Lawsuit Settlement Fund to the district courts for purposes including, but not limited to, drug court, mental health court and veteran courts to address the impact of opioid abuse.

SB 1081 creates the Anti Red Flag Act. The measure prohibits any order, ordinance or regulation by any municipality or other political subdivision that authorizes confiscation of firearms without due process.

HB 4049, which was vetoed by the Governor and later overridden, modifies the process by which a person may renew his or her motor vehicle registration online. The measure requires an applicant to select a motor license agent to process any online transaction. The measure also requires license agent fees collected by a state agency to be deposited into the General Revenue Fund. These changes must be implemented no later than January 1, 2021.

HB 3270 increases the amount of days a person may operate a vehicle with a temporary tag from five days to 15 days. The measure allows a vehicle owner to keep an electronic registration in their vehicle instead of a paper registration and redact their home address information printed on the registration certificate.

SB 408 makes it a misdemeanor to operate a vehicle that requires

endorsements without the proper license and endorsements.

HB 4161 authorizes the Department of Public Safety to spend \$1.25 million on 911-related services and equipment on Oklahoma turnpikes. The measure directs the department to complete and fully implement REAL ID and authorizes a trooper academy. Lastly, the measure directs the department to expend \$300,000 for the implementation of a medical marijuana pilot program.

Emergency Management

Historic floods in May 2019 prompted legislators to elevate flood preparedness and mitigation as a topic in the next comprehensive water plan. If funding is available, **SB 1269** directs the Oklahoma Water Resources Board to create a state flood plan to serve as a guide for state and local flood control policy, facilitate collaboration between state and federal agencies, and enable federal cost sharing for flood mitigation projects. To create the plan, the board will evaluate the condition of flood-control infrastructure, inventory ongoing and proposed flood control and mitigation projects, and analyze development in special flood hazard areas, among other requirements. The measure also creates the State Flood Resiliency Revolving Fund.

SB 1938 authorizes the Oklahoma Capitol Improvement Authority to issue \$17.5 million in bonds on behalf of the Oklahoma Conservation

Commission's work to repair high-hazard dams, named such because people live below the dams. The money is eligible for a two-to-one federal match. In addition, \$1 million of the FY 2021 budget is for improvements to rural flood-control dams. ■



Revenue & Taxation

In response to the revenue failure for the current fiscal year, the Legislature passed three measures: SB 199, SB 1053 and SB 617.

SB 199 transfers \$302,339,481 from the Rainy Day Fund to the General Revenue Fund.

SB 1053 transfers \$201,559,654 from the Rainy Day Fund to the Revenue Stabilization Fund.

SB 617 authorizes the Office of Management and Enterprise Services to transfer up to one-half of the balance of the Revenue Stabilization Fund to mitigate funding cuts to state agencies and common school districts for FY 2020 with the exception of appropriations pledged to the Digital Transformation Program Revolving Fund.

Enacted by a successful veto override, **SB 1922**, the general appropriations bill for the FY 2021 budget, provides for \$7,589,496,474 in legislative appropriations.

Enacted by a successful veto override, **HB 2741** increases the percentage of sales, use, individual income and corporate income tax revenue apportioned to the Education Reform Revolving Fund beginning September 1, 2020, through the end of FY 2022. The increased funding for education, estimated at \$73 million for FY 2021, is offset by equivalent percentage reductions of revenue dedicated to the Teachers' Retirement System of Oklahoma (OTRS). OTRS will receive increased apportionments in FY 2023

through FY 2027 to make up for the lost revenue.

Enacted by a successful veto override, **HB 2742** modifies the apportionment formula for insurance premium tax revenue to provide funding to the Education Reform Revolving Fund from September 1, 2020, through the end of FY 2022. The funding provided to education, estimated at \$39 million for FY 2021, is offset by equivalent percentage reductions of revenue dedicated to the Oklahoma Law Enforcement Retirement System Oklahoma Police Pension Retirement System and Oklahoma Firefighters Pension and Retirement System. The affected pension systems will receive increased apportionments in FY 2023 through FY 2027 to make up for the lost revenue.

the written request of the county treasurer.

SB 1322 modifies the formula for computing the railroad reconstruction tax credit and amends the definition of *qualified railroad reconstruction or replacement expenditures* to include expenditures for track maintenance, natural disasters and rail crossing replacement and/or reconstruction costs. Up to 50 percent of qualified expenditures may be credited to the taxpayer, limited to \$5,000 per mile of railroad track owned or leased in the state as of the close of the taxable year. The measure also sunsets the tax credit effective January 1, 2025, and increases, from \$2 million to \$5 million, the cap on total credits that may be claimed in a calendar year.

SB 1322

Previous Formula	New Formula
25 percent of qualified expenditures	50 percent of qualified expenditures
Maximum credit = (number of miles of railroad track owned or leased in Oklahoma) x (\$2,000)	Maximum credit = (number of miles of railroad track owned or leased in Oklahoma) x (\$5,000)
Annual Cap: \$2 million	Annual Cap: \$5 million

HB 2740 authorizes a postponement period of up to one year for delinquent tax sales, notices and publications issued by a county when a Catastrophic Health Emergency has been declared. The postponement request must be approved by a board of county commissioners upon

HB 2504 relates to the ad valorem tax exemption granted for all property used exclusively and directly for religious purposes. The measure extends the exemption to real property owned by a church that is used as a religious pre-K through 12 school if the church does not charge the entity operating the school rent

or execute a formal lease agreement with the entity for use of its property. A church may require the entity operating the school to reimburse the church for operational expenses such as janitorial services and utilities and still qualify for the property tax exemption.

HB 3068 modifies the penalty for a state employee's noncompliance with state income tax laws. Instead of mandatory termination after

three notices of noncompliance, state agencies are directed to garnish wages until the employee comes into compliance.

HB 4142 amends a section of law that requires the Oklahoma Tax Commission (OTC) to furnish certain information to members and staff of the Legislature upon a written request. Upon request, the OTC must provide a written statement outlining all analysis or methodology provided

by the OTC to the State Board of Equalization when such information serves as the basis for an official action of the board.

SB 1149 deletes a section of law that prohibits the OTC from providing taxpayer social security numbers to a contractor for administration of the card-based disbursement system for income tax refunds. ■



Transportation

SB 1403 requires each circuit engineering district to be audited by the State Auditor and Inspector each fiscal year. This replaces a requirement that the district conduct an independent audit according to rules prescribed by the State Auditor and Inspector.

SB 1888 directs 35 percent of the amount that would be otherwise credited to the County Improvements for Roads and Bridges Fund to be directly sent to the counties of the state, up to \$120 Million. County treasurers are required to deposit these funds into the county's highway

fund, to be used for maintenance and operations. This applies only during the FY 2021, in response to revenue loss due to the pandemic.

HB 2744 authorizes the Oklahoma Capitol Improvement Authority to issue bonds in an amount necessary to generate net proceeds of \$200 million for the purpose of funding highway and bridge projects identified in the Oklahoma Department of Transportation's eight-year construction plan.

HB 3508 requires a truck-tractor carrying cargo on Oklahoma

roadways to maintain general liability insurance sufficient to cover cleanup costs of any substance spilled or deposited on a roadway or right-of-way.

SB 1688 creates the Oklahoma Advanced Mobility Pilot Program. Contingent upon the availability of funds, the program will identify communities to serve as pilot sites for adoption of advanced mobility technologies, including autonomous ground vehicles or electric vertical takeoff or landing vehicles, and make two matching grant awards each year of up to \$500,000. ■



Veterans & Military Affairs

SB 1361 allows the Oklahoma Military Department to use appropriated and nonappropriated funds to enhance recruiting and retention efforts of the Oklahoma National Guard.

SB 1942 directs the state Military Department to use \$2 million of the funds appropriated to it from SB 1922 for flood remediation and other deferred maintenance. The funds are intended to supplement, rather than replace, existing resources. ■



Appendix I

Summary of Vetoes

HB 2760 would have lowered the annual cap for credits issued pursuant to the Oklahoma Affordable Housing Act from \$4 million to \$2 million.

Governor's Veto Message:

"The effective date of this legislation is retroactive, and thus negatively affects projects currently under contract for this year. Furthermore due to the nature of these projects and the way the credit works, our state would not see financial return until FY2023."

HB 3228, an omnibus medical marijuana bill, would have dealt with delivery, sales and business licensing of dispensaries, among other issues.

Governor's Veto Message:

"While there is much room for improvement in the way our state's program operates, this bill does not address those items in a way I can support."

HB 3663 would have modified the basis for removal of a motor license agent by the Oklahoma Tax Commission (OTC). The measure directs that the removal of an agent be *for cause* rather than the current *at-will*.

Governor's Veto Message:

"There is no evidence that the OTC has been removing agents without cause. The provisions of this bill would restrict the ability of a state agency to determine if a contractor should be permitted to continue to work to deliver services. This greatly

restricts the State's ability to ensure that the best people are delivering services to Oklahomans."

HB 3824 would have created the State Government Transparency in Billing Act. The measure provided that the legislative and judicial branches of state government are exempt from all fees and costs for services provided by any appropriated state agency.

Governor's Veto Message:

"While I understand the Legislature and Judiciary provide vital functions to the state, this specific exemption is shifting responsibility from one state entity to another, while all other state entities are required to manage their own costs of services directly. In addition, House Bill 3824 contains no language guaranteeing additional appropriation to cover the cost of services to be provided to the Legislature and Judiciary, which

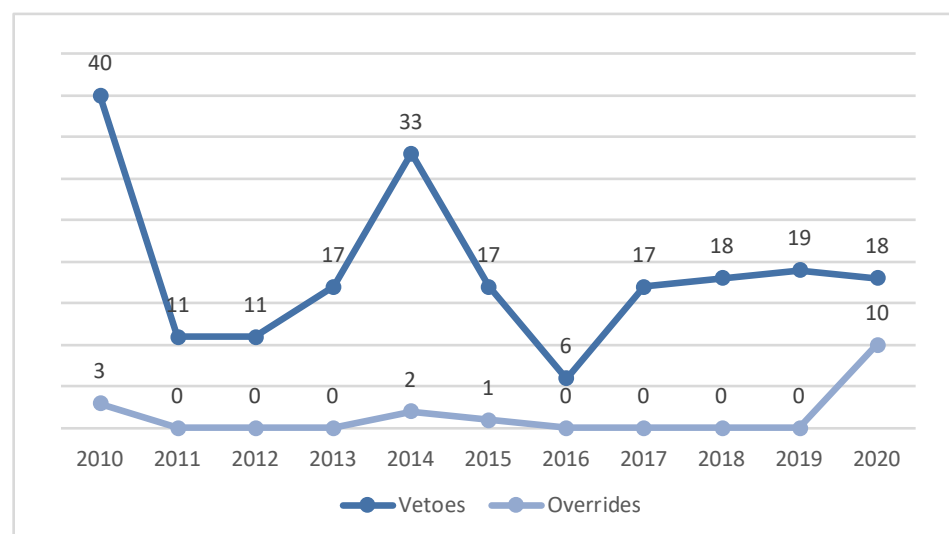
could result in a costly negative fiscal impact in the future."

SB 1046 would have modified the Supplemental Hospital Offset Payment Program (SHOPP) by setting the maximum assessment rate at 4 percent of net hospital patient revenue for FY 2021, in order to fund the state share of the newly eligible Medicaid population.

Governor's Veto Message:

"Due to the current COVID-19 pandemic and uncertainty within energy markets and commodity prices, unemployment rates are predicted to be as high as 14 percent. This will not only increase the number of individuals currently enrolled in Medicaid, but will also increase the number of potential enrollees in the expanded population."

SB 1595 would have suspended all qualification requirements for



claimants of the five-year ad valorem exemption for manufacturing facilities in calendar year 2020. The measure would have further repealed the section of law outlining the aforementioned requirements effective January 1, 2021.

Governor's Veto Message:

"This exemption is a critical tool in attracting new business to Oklahoma...Furthermore, this exemption is offered by the majority of states, including all states surrounding Oklahoma."

SB 1703 would have expanded the scope of a sales tax exemption for the University Hospital Trust (UHT) to include affiliated contractors and nonprofits.

Governor's Veto Message:

"The cost to the state for such an exemption would be an estimated decrease in state sales tax collections of \$11,125,421 and would make next year's projected one billion dollar revenue shortfall even larger. This change would also negatively impact sales tax collections by millions of dollars at the local level. Further, there is no language in the current bill that specifies how this money is to be spent by the UHT."

SB 1805 would have given the Oklahoma Board of Private Vocational Schools greater authority over private vocational schools, including the ability to conduct site visits of schools, require private

schools to report certain information to the board, approve or disapprove sustained licenses, and establish fees that private schools must pay to the Board.

Governor's Veto Message:

"Senate Bill 1805 increases the base fees that private vocational schools must pay to the Oklahoma Board of Private Vocational Schools by 15% over the next 3 years....While I agree proper oversight is important to ensure consumers are protected in the state, it is crucial that we do not grow bureaucracy for private institutions looking to train individuals in the labor market." ■

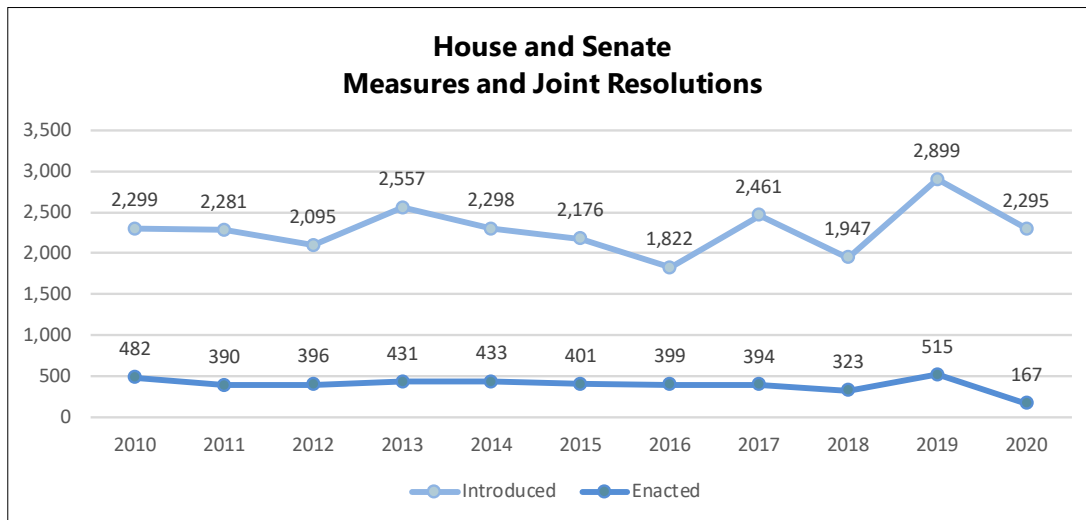
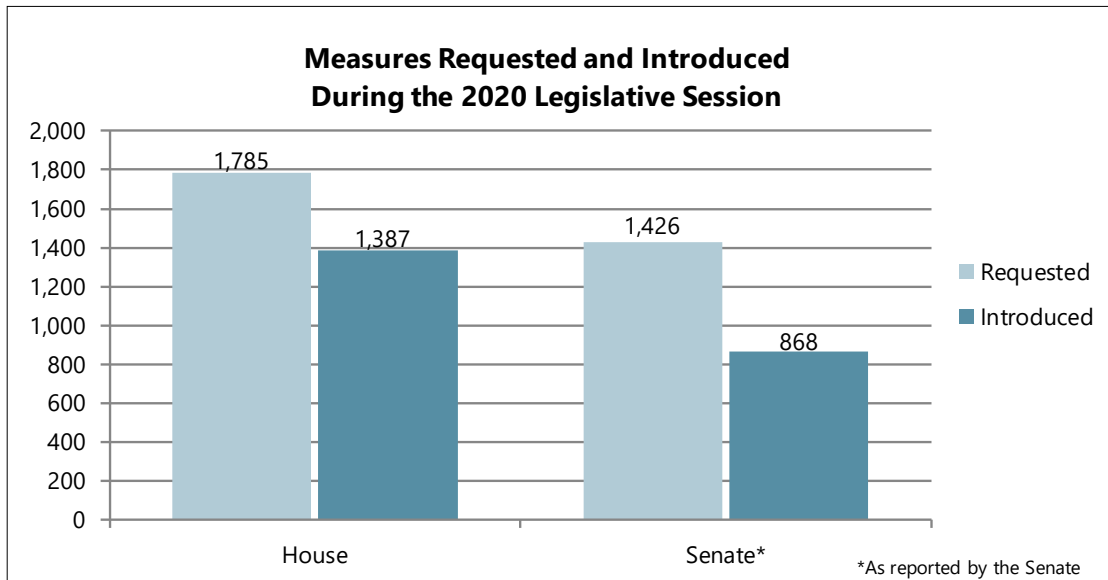


Appendix II

Legislative Production

	House Bills	House Joint Resolutions	Senate Bills	Senate Joint Resolutions
Requested	1,785	27	1,426*	42*
Introduced	1,387	19	868	21
Sent to Opposite Chamber	431	5	403	4
Conference Granted	2	0	0	0
Sent to Governor	82	1	93	0
Approved by Governor	69	1	86	0
Filed with Secretary of State	0	0	1	0
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*As reported by the Senate





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