

LEGISLATIVE REPORT

Association of Central Oklahoma Governments ★ April 27, 2017



Upcoming Legislative Deadlines

There are four more Mondays left this session. Upcoming deadlines include the third reading of measures in opposite chamber (April 27) and sine die deadline (adjournment) no later than 5pm (May 26).

Oklahoma Faces \$1 Billion Budget Shortfall. “Let’s Fix This” Campaign Gains Momentum

The grassroots campaign **Let’s Fix This**, which started on Facebook, has formalized into a 501(c)(3) organization and launched an official advocacy campaign **Save Our State**. Central to the campaign is Oklahoma’s current budget crisis. As such, the campaign’s hallmark product is Budget Blueprint, a plan that calls for the following:



- Ending special interest tax giveaways
- Stopping out-of-state tax shelters
- Repealing unnecessary sales tax exemptions for luxury purchases like NBA basketball tickets
- Modernizing a gas tax that has not been adjusted for inflation in three decades
- Restoring unnecessary tax breaks for the oil and gas industry
- Restoring a 6 percent rate for extremely high income earners
- Bringing Oklahoma in line with other states in taxing certain services

For more information on the nonpartisan effort, visit LetsFixThis.org and SaveOurState.org.



Budget Shortfall

Oklahoma’s budget crisis continues. If lawmakers fail to arrive at a budget by June 1, stage agencies will receive across-the-board 14 percent cuts. As of April 19, only seven states have enacted budgets for FY 2018.

One of the results of the current crisis is strong cooperation among members of the Freshman Caucus, which includes 50 legislators with less than three months of experience. They are reportedly “tired of social bills.”

Trend Toward Local Control

For the first time in recent history, Republicans are reportedly advocating for more local control. The trend is attributed to the State Chamber of Commerce support of “economic Republicans” in local primaries.

Scott Meyers Retirement

Scott Meyers has retired from the Oklahoma Department of Commerce. Meyers provided exceptional support ACOG and the state’s 10 other councils of government through the CDBG and REAP programs. Two things Scott always said were, “**The program cannot fail,**” and “**We don’t have time for blame.**” Scott will be greatly missed!

Legislative Tip: Striking Title

For the novice advocate, [legislative terms can be confusing](#). Here’s an explanation of the term “title stricken.” House rules require that all House measures passed by House committees, except those assigned to the House Committee on Appropriations and Budget, must contain complete titles and enacting or resolving clauses. This encourages committees to make all changes that they feel should be made to a measure. However, the author may ask the Rules Committee to grant permission to have a measure’s title “stricken” during floor action to ensure the House the opportunity to review the bill further. This is a fairly common action on major legislation, particularly if it has a significant fiscal impact or causes great controversy. On Senate measures, the House author may need to strike the enacting clause if the title has already been removed in order to prevent it from being sent to the Governor in an incomplete form. This may be done by either committee amendment or floor amendment.

HB 1374: Public Safety

HB 1374, a measure that would allow municipalities to vote to create Oklahoma **Public Safety Protection Districts**, has passed the House. The bill would allow voters within a municipality to vote on the declaration of public safety districts. The

mechanism for funding the districts is set as a mill levy assessment in the bill, an added tax for personally held property. The proceeds would be used to pay for the maintenance and operation of the district, including salaries and benefits of employees and equipment.

Brumbaugh Dies Unexpectedly

Rep. David Brumbaugh (R-District 76), 56, died unexpectedly from a heart attack on April 15. On April 20, he lay in repose in the 2nd Floor Rotunda of the Oklahoma State Capitol. Brumbaugh was the chair of the Republican Caucus and the Vice-Chair of the Appropriations and Budget Committee. He leaves behind a wife and two daughters.

Special Elections Impact Legislative Session

The unexpected death of Rep. David Brumbaugh calls for the fifth special election in Oklahoma for 2017. The other special elections include:

- House District 28 (May 9)
- House District 75 (July 11)
- Senate District 44 (September 12)
- House District 46 (September 12)

Senate District 44 and House District 46 are in the ACOG region.

80th Anniversary

On April 20, the Oklahoma Department of Public Safety and the Oklahoma Highway Patrol celebrated their 80th anniversary.



SB 170: Income Tax Rate

Senate Bill 170 has passed the House. The bill repeals the planned reduction of the state's top income tax rate from 5 percent to 4.85 percent, passed the House.

SB 403: Open Meetings

SB 403 has passed the House. The bill would amend the Open Meeting Act requiring public bodies to display public notice of meetings 24 hours in advance of regularly scheduled meetings at the principal office or location of the meeting or on the public body's website. In addition, the public body shall maintain an email distribution systems for distribution of such notice.

SB 508: Cottage Economy

The Home Bakery Act of 2013 allowed individuals to produce and sell from their homes certain types of baked goods. Baked goods made with meat products or fresh fruit were not allowed and sales were limited to \$20,000 per year. Also, no special state license or permit is required. SB 508 modifies the home bakery act to allow for the sale of prepared foods at farmers markets, on site, at cooperatives, and through membership-based buying clubs or for delivery. The bill has passed the House and Senate.

HB 1381: Dilapidated Structures

HB 1381 has passed the House and Senate. It would prohibit anything from allowing 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. (Source: [OML](#))

Pew Recognizes Oklahoma's Rainy Day Fund Management

In February, Preston Doerflinger, Oklahoma Finance Secretary, reported to officials that

he exercised his authority to borrow money from the Rainy Day Fund to keep state government afloat. More than \$240 million was transferred leaving the fund empty. By law, the money must be paid back. Some elected officials worry that it will be an insurmountable challenge. Meanwhile the Pew Charitable Trust studied rainy day funds across the United States and noted that Oklahoma is doing a better job managing the funds than many other states. [Click here to read the report.](#)

HB 2324: Feral Hogs Update

HB 2324 would allow private hunters to shoot the hogs from helicopters. The bill was placed on General Order, considered and deferred.

Criminal Justice Reform: SB 363, SB 342

SB 363 would authorize special judges to release offenders not eligible for pretrial release under conditions prescribed by the judge. It has passed the Senate and is making its way to the full House.

SB 342 This measure would create a task force to study fines and fees in the criminal justice system. It has passed the Senate and House Appropriations and Budget Committee and awaits hearing by the full House.

Oklahoma towns and cities bear the brunt of a criminal justice system in need of reform. Three criminal justice reform bills passed the Oklahoma House last week: HB 2286, 2281 and 2290 are based on recommendations from the Oklahoma Justice Reform Task Force. The bills are designed to relieve Oklahoma's over-burdened prison system. All bills still await hearing by the Senate.

HB 1691: Jail for Paint Update

HB 1691, the "No Jail for Paint Act," passed the House 62-28, but failed to pass a Senate committee.

HB 1537: Water Update

HB 1537 would have required municipalities to implement an inclined block rate structure for use of municipal water by persons, business entities and other users. The bill passed the House, but failed in to pass a Senate committee.

SB 630 Update

SB 630 passed the Oklahoma Senate 44-0. It pertains to unmanned aerial systems at low altitudes. Also known as drones, if the bill becomes law it would protect important and well-established property rights. The bill has passed its House committee and is headed to the full House.

HB 1810: Open Meetings

HB 1810 passed the Oklahoma House 78-17. This bill would prohibit audio and video recordings of executive sessions without authorization from the public body. The bill has passed a Senate subcommittee and awaits hearing by the full Senate.

HB 2132

HB 2132 enacts and adopts the Prosperity States Compact. This compact 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.

The bill passed the House, but was referred to the Senate Rules Committee.

Note: Members of the ACOG Board strongly objected to this bill in the March 30, 2017 meeting of the Board of Directors.

SB 247

SB 247 requires the Oklahoma State Bureau of Investigation to investigate in jurisdictions within the state with a population of less than 150,000. In all other locations, the OSBI has the discretion to investigate. The OSBI is not required to investigate law enforcement or peace officer involved shootings and in-custody deaths that occur within a jail or prison or incidents involving the Oklahoma Highway Patrol. Bill authors include Sen. Kevin Matthews (D-District 11) and Rep. Monroe Nichols (D-District 72).

Note: Members of the ACOG Board strongly objected to this bill in the March 30, 2017 meeting of the Board of Directors.

Federal Issues

Infrastructure Package

President Trump's Administration is working on a \$1 trillion infrastructure package, and has reportedly floated a \$2.4 billion cut to the U.S. Department of Transportation. The spending blueprint would potentially limit funding for the Federal Transit Administration's Capital Investment Program, the Essential Air Service program and federal support for long-distance Amtrak trains. Transit advocates believe the plan would jeopardize \$38 billion of planned public transportation projects.

Letter to Trump

At the request of Oklahoma Transportation Secretary Gary Ridley, John G. Johnson, Executive Director of ACOG joined 24 other Councils of Governments (COGs) directors across the country in a formal letter to President Trump. The letter recommended a set of principles and priorities to help the federal government better support the growth and development of regions. It underscored the host of multijurisdictional challenges COGs face including transportation, community development, homeland security, environmental stewardship and more. It also advocated for the much touted infrastructure package and expressed support for Amtrak, TIGER grant and transportation formula funding.

Community Development Block Grants (CDBG)

April 17-22 was Community Development Week. CDBG advocates used it as an opportunity to raise awareness about the many benefits of the federal program, which provides money to cities for a wide range of community development needs. President Trump has called for a \$3 billion cut to CDBG. Nationwide, mayors are advocating for the program. ACOG administers CDBG and special CDBG-REAP grants for members.

U.S. EDA

Last month, ACOG reported that staff had an opportunity to hear a briefing from Jessica Falk, Area Director, U.S. EDA, Austin. Falk addressed President Trump's budget, which would eliminate EDA. ACOG manages the Comprehensive Economic Development Strategy (CEDs) for the Central Oklahoma region, and as such, continues to monitor the situation. In 2015, EDA provided \$214 million in funding to the states. Oklahoma received \$3 million in

public works grants; \$240,00 in planning grants and \$202,590 in technical assistance grants.

State Energy Program Funding

ACOG continues to monitor threats to Clean Cities funding, a 21-year program of ACOG. President Trump's FY18 budget blueprint included the zeroing out of the U.S. Department of Energy's State Energy Program budget, which has been a primary source of funding for ACOG's Central Oklahoma Clean Cities program since 2005. Loss of funding would cause financial uncertainty for Clean Cities. In addition, the Trump budget may end federal funds for fuel efficient programs under the FAST Act.