

# 2020 LEGISLATIVE UPDATE

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# CAPITOL UPDATE

# CAPITOL DURING COVID-19

## 57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **37 DAYS:** The House and Senate only met 37 days during the 2020 Legislative Session
- **BUDGET:** Governor Stitt vetoed **SB1922**, the general appropriations bill. He also vetoed three additional appropriation bills: **HB2741, HB2742 and HB2743**. On May 13 at 10:00 p.m., the Legislature successfully overrode all four vetoes and the **FY2021 budget** was passed
- **HONEYMOON IS OVER:** The House and Senate also voted to override an additional 7 vetoes by the Governor and those 7 bills will become law by November 1, 2020
- **PUBLIC SAFETY DISTRICTS:** 31 of 47 Senators polled said they would vote for **HB1992**, but Senate leadership ultimately decided it would not make the list of bills to be considered
- **REAP:** Population Criteria Increase bills died (**HB3286 and SB1281**)
- **SINE DIE:** House and Senate passed two resolutions to adjourn early, SCR 12 and SCR 2X. With the passage of these two resolutions, the 57<sup>th</sup> Legislature will be deemed to stand adjourned Sine Die on Friday, May 29 at 5:00 p.m.

# **COVID-19 EMERGENCY RELATED LEGISLATION**

# COVID-19 EMERGENCY RELATED LEGISLATION

## 57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **SB187:** Signed by the Governor on May 20 and went into effect that day. This was an OML request bill that created the “Municipal Government COVID-19 Emergency Budget Act”. This new law allows for a temporary budget not to exceed 6 months in duration. Additionally, it loosens some of the posting and process requirements due to the time constraints facing municipal governments. ([Sen. Montgomery and Rep. Taylor](#))
- **Overview of SB187 (provided by OML):**
  - Municipal governments may adopt a temporary budget if the municipal governing body determines adopting a yearly budget is not in the best interest of the municipal government due to the effects of the COVID-19 pandemic on revenue projections
  - The temporary budget would be short term in nature not to exceed 6 months. It would have to meet all posting requirements in the Open Meetings Act
  - Municipalities must also give a 5-day notice of the time, date, and place of the meeting where the Temporary Budget will be considered by the Council

# COVID-19 EMERGENCY RELATED LEGISLATION

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **Overview of SB187 Continued**

- The Act requires the Temporary Budget or a Temporary Budget Summary be available for public inspection for at least 5 days
- The temporary budget may be altered or otherwise amended following standard budgeting procedures
- The process would expire after the current budget cycle and would not be an option for future fiscal years
- At the conclusion of the temporary budget, the municipal government shall adopt a permanent budget for the duration of the fiscal year
- The permanent budget would have to meet all existing notice requirements with the dates moved later in the year. This would include notice of the budget details and of the hearing
- **Went into effect on May 20**

# COVID-19 EMERGENCY RELATED LEGISLATION

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **SB1102:** This bill attempted to modify the Catastrophic Health Emergency Powers Act by removing local officials' authority during a catastrophic health emergency. Due to multiple municipal leaders reaching out to their Senate leadership, the Senate refused to let this bill be heard on the floor. ([Sen. Standridge and Rep. West](#))
- **SB300:** creates the COVID-19 Public Health Emergency Limited Liability Act. It provides health care providers with immunity from civil liability for any loss or harm to a person with a suspected or confirmed diagnosis of COVID-19 caused by an act or omission by the facility or provider that occurs during the COVID-19 public health emergency, provided the act or omission was not the result of gross negligence or willful or wanton misconduct. The provisions of this bill shall remain in effect until October 30, 2020, or until such time as the Governor affirmatively concludes the emergency declarations. **The bill went into effect on May 12, 2020** ([Sen. Daniels and Rep. O'Donnell](#))



# COVID-19 EMERGENCY RELATED LEGISLATION

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **SB1946:** Establishes immunity from civil liability for persons or entities conducting in the business in the state from actions related to an injury from exposure or potential exposure to COVID-19 if the act or omission alleged to violate a duty of care of the person or agent was in compliance or consistent with federal or state regulations, a Presidential or Gubernatorial Executive Order, or guidance applicable at the time of the alleged exposure. The person or agent will not be liable if the conduct is consistent with any applicable guidance when two or more sources of guidance are applicable to the conduct or risk at the time of the alleged exposure. **The bill went into effect on May 21, 2020.** (Pro Tempore Treat and Speaker McCall)



# **BILLS SIGNED BY GOVERNOR STITT**

# BILLS SIGNED BY GOVERNOR STITT

## 57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **HB2668:** Adds jail trusts created by a board of county commissioner 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. **The bill went into effect on May 20, 2020.** (Rep. Lepak and Sen. Pugh)
- **HB3330:** amends the Oklahoma Pension Legislation Actuarial Analysis Act by adding to the definition of a non-fiscal retirement bill. It adds a modification to the disability pension standard for members of the Police Pension System. If the injury results from a violent act against the officer in the performance of their duty, the Pension Board shall find a 100% disability. The bill defines “violent act” as an attack by a dangerous weapon. **Section 2 of this bill went into effect on May 21, 2020. Sections 1 and 3 of the bill go into effect on June 15, 2020.** (Rep. Perryman and Sen. Paxton)
- **HB3350:** Authorizes cost of living adjustment (COLA) between two and four percent for retirees of the following pension systems: Police Pension and Retirement System, Firefighters Pension and Retirement System, Public Employees Retirement System, Law Enforcement Retirement System, Retirement Systems for Justices and Judges, and Teachers’ Retirement System. **Section 1 of the bill went into effect on May 21, 2020. Sections 2 through 7 of the bill go into effect on July 1, 2020.** (Rep. Frix and Sen. Thompson)

# BILLS SIGNED BY GOVERNOR STITT

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **HB3613:** creating the Personal Privacy Protection Act impacting a “public agency” which includes political subdivisions or any other local governmental unit, agency, authority, council, board or commission; or any state or local court. “Personal affiliation information” mean any record or other compilation of data that identifies a person with any 501(c) entity. It prohibits requiring individuals or a Section 501(c) entity to provide this information or compel its release or public disclosure. In addition, a current or prospective contractor must not be compelled to provide the public agency with a list of Section 501(c) entities to which it provides support. The bill contains a list of what is not prohibited by the Act. There is a penalty provision which includes fines, treble damages, criminal penalties and the payment of costs, including attorney fees. Personal affiliation information cannot release, publicize or publicly disclose any personal affiliation information. **The bill goes into effect on November 1, 2020.** (Rep. O'Donnell and Sen. Daniels)

# BILLS SIGNED BY GOVERNOR STITT

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **HB3619:** Amends 11 O.S. Section 14-107 prohibiting municipalities and the county from adopting real estate development building or construction ordinances, rules or codes restricting or prohibiting connections to the facilities of utility providers lawfully operating in the state. Nor may these entities discriminate in the adoption of such rules or codes against one or more utility providers based in whole or in part upon the nature or source of the utility service provided. **The bill goes into effect on November 1, 2020.** (Rep. O'Donnell and Sen. Allen)
- **HB4161:** Directs the Department of Public Safety to complete and implement fully all duties related to REAL ID no later than June 30, 2021. The bill authorized the department to spend \$1,250,000 for any necessary expenditure, including but not limited to equipment, related to 911 services on Oklahoma turnpikes. It directs \$300,000 to be used for the implementation of a medical marijuana pilot program. It also directs DPS to use appropriated funds to hold a Trooper Academy. **The bill goes into effect 90 days after Sine Die.** (Reps. Wallace and Hilbert and Sens. Thompson and Rader)

# BILLS SIGNED BY GOVERNOR STITT

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **SB1269:** Authorizing OWRB to adopt, contingent on available funding a comprehensive state flood plan. There are requirements for the plan including infrastructure evaluation, a state-wide list and analysis of flood control and mitigation projects, study of special flood hazard areas and legislative recommendations. The bill creates the State Flood Resiliency Revolving Fund for the benefit of the Oklahoma Water Resources Board and its funds used to implement the recommendations and provisions on the comprehensive flood plan. **The bill goes into effect on November 1, 2020.** (Sen. Rader and Sims)
- **SB1081:** Prohibits municipalities from enacting policies that would allow a court or other entity to restrict gun access to people deemed to be an imminent danger. **The bill went into effect on May 19, 2020.** (Sen. Dahm and Rep. Steagall)
- **SB1198:** requiring school districts to coordinate with emergency medical services providers to develop plans for athletic events or activities held at school district facilities. **The bill goes into effect on July 1, 2020.** (Sen. Standridge and Rep. Conley)

# BILLS SIGNED BY GOVERNOR STITT

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **SB1290:** Creates the Medical Care Provider Protection Act. The bill modifies the definition of the term “medical care provider” as it relates to assault and battery upon medical care providers that include doctors, residents, interns, nurses, nurses’ aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, radiologic technologists, physical therapists, physician assistants, chaplains, volunteers, pharmacists, nursing students, medical students and members of a hospital security force. It also requires every hospital, health clinic and ambulance service to display at all times in prominent place a printed sign with a minimum height of 20 inches and a minimum width of 14 inches, with each letter to be a minimum of one-fourth inch in height, to read: ‘WARNING: ASSAULTING A MEDICAL PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES IS A SERIOUS CRIME.’ It requires every hospital, health clinic and ambulance service to report all assaults on medical care providers to the State Department of Health on an annual basis. **The bill goes into effect on November 1, 2020.** (Sen. Weaver and Rep. Roe)

# BILLS SIGNED BY GOVERNOR STITT

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **SB1362:** Amends the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act regarding state and local enterprise matching payments. Amendments are made to 62 O.S. Section 842 removing the current prohibition for using the state local government matching payment for project costs for “any development within a project plan that provides for more than 10% of the net leasable space of such development to be used for retail purposes”. Substituted is “for more than 50% “except for such portions that includes grocery or specialty food store enterprises” that provide healthy nutrition options and that improve access within ½ mile of any low income and low access geographies. **The bill goes into effect on July 1, 2020.** ([Sen. Rader and Fetgatter](#))
- **SB1423:** Makes several changes to tobacco and vapor products. Included is increasing the legal selling, receiving and possession age from 18 to 21 with over ten statutes in Title 37 and 63 O.S. Section 1-1530 being changed to incorporate this age amendment. **The bill went into effect on May 19, 2020.** ([Sen. McCortney and Rep. Wallace](#))



# BILLS SIGNED BY GOVERNOR STITT

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **SB1592:** Expands the scope of the Oklahoma Energy Independence Act from commercial property to all property except single-family residences. The measure also authorizes a county to establish Property Assessed Clean Energy (PACE) programs 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 provider, in which the property owner is deemed to consent to levying and collection of annual assessments to repay the loan, and the capital provider collects the assessment directly or through a service as well as enforce a lien for an unpaid assessment. Finally, the bill clarifies procedures relating to sale of a property for unpaid PACE assessments. **This bill goes into effect on November 1, 2020.** (Sen. Leewright and Fetgatter)
- **SB1713:** Forbids municipalities to regulate the adoption or imposition of new single-family residential building design elements or implement new policies that have that effect, unless a number of elements are followed as specified in the bill. There are elements to regulation as well as new definitions. **The bill went into effect on May 21, 2020.** (Sen. David and Martinez)

# BILLS SIGNED BY GOVERNOR STITT

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **SB1905:** Increases the minimum population a county must possess 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 are allowed to create a city-county board of health. **The bill goes into effect on November 1, 2020.** ([Sen. Weaver and McBride](#))

# **BILLS THAT BECAME LAW WITH LEGISLATIVE OVERRIDE VETO**

# BILLS THAT BECAME LAW WITH LEGISLATIVE OVERRIDE VETO

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **HB4018:** Created the Oklahoma Rural Broadband Expansion Act creating the Rural Broadband Expansion Council. The council is to study rural broadband access, costs, likelihood of changes, needed policy changes possible incentives, funding, state or local regulatory policies and the like. The Council has a right to information from state agencies as well as political subdivisions and public trusts. **The bill goes into effect on May 22, 2020.** ([Speaker McCall](#) and [Sen. Leewright](#))
- **SB1002:** Amends Section 3 of HB 4018 by adding two additional members to the Rural Broadband Expansion Council: a Rep. of a wireless telecommunications provider not affiliated with an incumbent local exchange carrier in Oklahoma appointed by the Speaker and a Rep. a rural electric cooperative appointed by the Pro Tempore. **The bill goes into effect on May 22, 2020.** ([Sen. Leewright](#) and [Rep. Echols](#))

# **BILLS VETOED BY GOVERNOR STITT**

# BILLS VETOED BY GOVERNOR STITT

## 57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **HB2760:** Reduced from \$4 million to \$2 million, the annual cap for tax credits issued pursuant to the Oklahoma Affordable Housing Act. ([Rep. Wallace and Sen. Thompson](#))
- **HB3228:** A comprehensive bill amending a number of areas of medical marijuana in Oklahoma. Included were changes to a number of license holders including regulation as well as fees and fines recordkeeping, review time by the Department of Health. In addition, marijuana growers were authorized to sell pre-rolled cigarettes containing pure flower only and no additives, the location of retail marijuana establishments are prohibited within 1,000 feet from any public or private school with requirements of how the distance is measured, a number of definitions are changed in the Medical Marijuana and Patient Protection Act, changes were made to regulation by the Oklahoma Medical Marijuana Authority including fees, fines and emergency powers. The bill provided that once a certificate of compliance was submitted to the Oklahoma Medical Marijuana Authority showing full compliance as outlined in this section, no additional certificate of compliance would be required for license renewal unless 6 a change of use or occupancy occurs, or there is any change concerning the facility or location that would by law require additional inspection, licensure, or permitting by the state or municipal government. ([Rep. Echols and Sen. Standridge](#))

# BILLS VETOED BY GOVERNOR STITT

57<sup>th</sup> Legislature | 2<sup>nd</sup> Session

- **SB1595 Original Version:** Creates procedures and an application process for the issuance of a Sale for Resale permit by the Oklahoma Tax Commission. Every sales tax permit holder that desires to make purchases for resale will be required to obtain the annual Sale for Resale permit if they meet the classification as a group 1 through 4 vendor. In order to qualify for the sales tax exemption for resale goods, the purchaser will be required show a vendor a valid permit effective July 1, 2021. ([Sen. Pro Tempore and Rep. Wallace](#))
- **SB1595 Final Version:** Provides that a manufacturer that qualified for the constitutional ad valorem tax exemption with respect to job creation requirements, payment of wages, payroll levels, or capital investment requirements shall be deemed to have maintained these requirements for the period beginning January 1, 2020, and ending December 31, 2020. The provisions of this measure shall not apply to any qualifying manufacturing concern if the first year of exempt treatment for such concern pursuant to the provisions of this section occurs on or after January 1, 2021. ([Sen. Pro Tempore and Rep. Wallace](#))



# QUESTIONS?

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