

2021 Session in Review

Measures passed during the First Session of the 58th Oklahoma Legislature
Charles McCall, Speaker | Oklahoma House of Representatives





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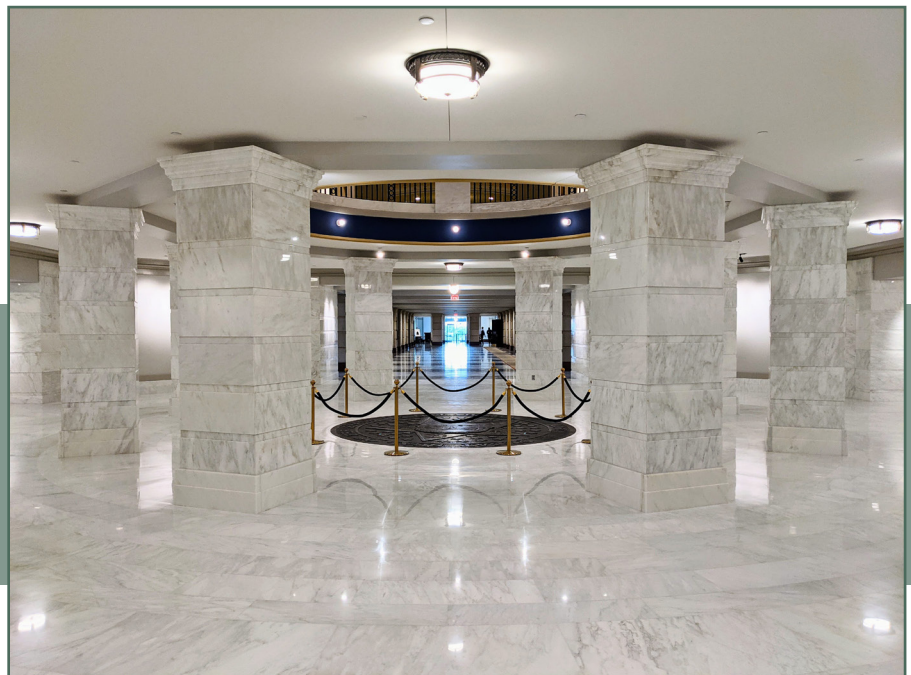
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The State Seal was installed on the ground floor in 2021 as part of the ongoing Capitol Restoration Project. *Photo courtesy Trait Thompson*



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Introduction

The first session of the 58th Legislature began with a sense of optimism and high expectations. Arriving after the previous session was curtailed by the COVID-19 pandemic, legislators were anxious to return to doing the people's work of conducting the affairs of the state. The session can be considered historic for several reasons, including Oklahoma's economic rebound during and after the pandemic. The Legislature's actions allowed for historic investments in core functions of government with the enactment of HB 2900, the general appropriations bill. The \$9.1 billion budget increased common education funding by more than \$210 million to a historic high of \$3.2 billion and will allow for the reduction of classroom sizes in kindergarten and first grade. The Legislature was also able to fully fund Oklahoma's Medicaid expansion and increase transportation funding to speed up the Department of Transportation's 8-Year Plan. Oklahoma citizens will also see a personal income tax reduction of .25 percent and the restoration of the refundability of the Earned Income Tax Credit for low- to moderate-income families. To increase job opportunities for Oklahomans, legislators reduced the corporate income tax from 6 percent to 4 percent in an effort to recruit new businesses to the state. Oklahomans will also realize the efforts of the Legislature to improve broadband services across the state with the investment of \$42 million to expand services to areas without access to high-speed internet. Lastly, despite the uncertainties at the beginning of the session, legislators were able to keep \$800 million in reserved savings. ●



2021 saw the opening of the visitors' entrance on the ground floor of the Capitol.
Photo courtesy Trait Thompson



Alcohol, Tobacco and Controlled Substances

In a continued effort to modernize alcohol laws, the Legislature passed several measures changing how alcoholic beverages may be served and consumed. Lawmakers also addressed the regulation of controlled dangerous substances, taxation of tobacco products and enforcement of tobacco laws.

Alcohol

HB 2122 creates the Oklahoma Cocktails To Go Act of 2021. The measure allows establishments holding caterer's or mixed beverage licenses to sell single-serve wine, mixed drinks and cocktails to go as long as they are in a sealed, tamper-proof container. Manufacturer licensees are prohibited from providing drinks to go, including those who simultaneously hold a caterer's or mixed beverage license. If the employee transferring the beverage cannot verify the age and level of intoxication of the person, the employee must cancel the sale. The beverage must be placed in the trunk of the vehicle, or a rear compartment not easily accessible to the passenger area if there is no trunk, and must have a label containing information about the beverage and the licensee selling the beverage.

HB 2380 allows alcoholic beverage licensees to provide self-pour automated devices for dispensing beer and wine. To use the self-pour service, patrons must obtain a radio-frequency identification device (RFID) or other Alcoholic

Beverage Laws Enforcement (ABLE) Commission-approved technology from the licensee, which will give the patron a credit to dispense 10 ounces of wine or 32 ounces of beer. The RFID device must become inactive at the end of each business day or after the device is used to dispense the maximum allowed amount of beer or wine. Upon production of valid identification, a patron may have their RFID device reactivated to dispense an additional 10 ounces of wine or 32 ounces of beer. Licensees are required to provide constant video monitoring at all times during which the licensee is open, keep such footage for at least 60 days and provide the footage upon request to any ABLE Commission agent or other authorized law enforcement.

SB 385 authorizes retail spirits, retail wine and retail beer licensees to host alcoholic beverage tastings. Tastings must be conducted under the direct supervision of the authorized licensee and are restricted to persons 21 years of age and older. Samples are limited to 1 fluid ounce of spirits, 2 fluid ounces of wine and 3 fluid ounces of beer per customer per day and must be consumed on the premises of the licensee hosting the tasting. All samples must be poured from original sealed packaging, and no more than six bottles of alcoholic beverages may be unsealed at any given time. Any beer or wine remaining in unsealed packaging used to provide samples must be poured out and removed from the premises by the end of the day.

SB 85 allows holders of multiple small brewer licenses to sell beer produced at up to three of their licensed breweries at any other of their three licensed breweries.

HB 1096 authorizes social media interactions between a brewer and a licensee, including retail or mixed beverage license holders. Licensees may request free social media advertising, and brewers may share social media posts from licensees so long as the post does not contain the retail price of any alcoholic beverage.

SB 315 authorizes distiller licensees to sell spirits produced by the licensees for consumption on distillery premises or an area next to the premises controlled by the licensee. The measure also authorizes distiller licensees to sell spirits at public events such as trade shows or festivals. Products offered for sale must have been sold and shipped to an Oklahoma-licensed wine and spirits wholesaler before being made available for purchase by the distiller licensee. Spirits sold under to these conditions are capped at 15,000 gallons in combination per calendar year. The bill also authorizes wine and spirits wholesaler licensees to sell to distillers spirits that were manufactured by that distiller and which have been received and unloaded at a bonded warehouse facility of a wholesaler before such sale.

SB 760 allows mixed beverage, beer and wine, bottle club, caterer, charitable event, public event, and

special event licensees who operate in a location with multiple licensed premises within the facility to allow a consumer to transport alcoholic beverages within the entire premises, which is to be designated as a common drinking area.

HB 2726 adds definitions for *bottle service* and *club suite* to the Oklahoma Alcoholic Beverage Control Act. *Bottle service* is defined as the sale and provision of spirits in their original packages by a mixed beverage licensee to be consumed in that licensee's club suite. *Club suite* is defined as a designated area within the premises of a mixed beverage licensee that is exclusive to patrons specifically granted access by the licensee. The measure specifies that spirits in their original packages must be consumed in the club suite and cannot be removed by the patron. Spirits in their original packages consumed in the club suite must be provided exclusively by the mixed beverage licensee.

HB 2277 clarifies that mixed beverage licensees permitted to offer drink specials are not required to offer such specials at all venues operating under the same license.

HB 2665 separates the alcoholic beverage manufacturer license from the nonresident seller license and sets its fees as follows:

- 50 cases or less sold in Oklahoma in the last calendar year: \$50 licensing fee and additional \$100 annual fee;
- 51 to 500 cases sold in Oklahoma in the last calendar year: \$75 licensing fee and additional \$225 annual fee; and
- 501 cases or more sold in Oklahoma in the last calendar year: \$150 licensing fee and additional \$450 annual fee.

SB 499 requires the 13.5 percent gross receipts tax to be listed separately on the receipt of a customer who purchases wine, beer or mixed beverages for on-premises consumption. Catered events, public

events and special events are exempt from this requirement.

HB 2684 provides that a brewer that distributes its own beer within the state without making a delivery to a beer distributor will pay the excise tax on those beer sales. If the distribution is made by a beer distributor licensee, such licensee will pay the excise tax.

SB 262 requires the excise tax on all wine and spirits to be collected and remitted by the Oklahoma wine and spirits wholesaler who purchases the beverages for sale within the state, unless the wine is shipped directly to a consumer by a winery with a Winemaker Self-Distribution Licensee, in which case the excise tax will be collected and remitted by the winery.

Tobacco

HB 2292 creates the Tobacco Products Tax Enforcement Act of 2021 and authorizes the Oklahoma Tax Commission to establish a Tobacco Products Tax Enforcement Unit for the purpose of enforcing tobacco tax laws. The measure establishes requirements and procedures for paying and reporting the tobacco products tax and requires retailers to purchase tobacco products from Oklahoma-licensed wholesalers. Further, the measure modifies procedures for taxation of certain tobacco product sales subject to tribal compacts. The measure also increases penalties for certain violations and authorizes the commission or a peace officer to confiscate any vehicle used to transport untaxed tobacco products. Lastly, the measure creates the Tobacco Products Tax Enforcement Unit Revolving fund, in which fines collected pursuant to the provisions of the measure will be deposited. If the balance of the Fund exceeds \$2 million at the end of any fiscal year, the excess will be transferred to the General Revenue Fund.

SB 1078 modifies the definitions of *wholesaler*, *retailer*, *first sale* and *tobacco products* and adds definitions

for *smokeless tobacco*, *snuff*, *chewing tobacco*, *smoking tobacco*, *pipe tobacco* and *roll-your-own tobacco* in regard to the tobacco products tax. A related measure, **HB 2674** clarifies that a person must be 21 years of age or older to purchase, receive or possess nicotine products.

SB 319 exempts research institutions conducting a scientific study on tobacco use and cessation from provisions prohibiting the distribution of tobacco products to persons under 21 years of age.

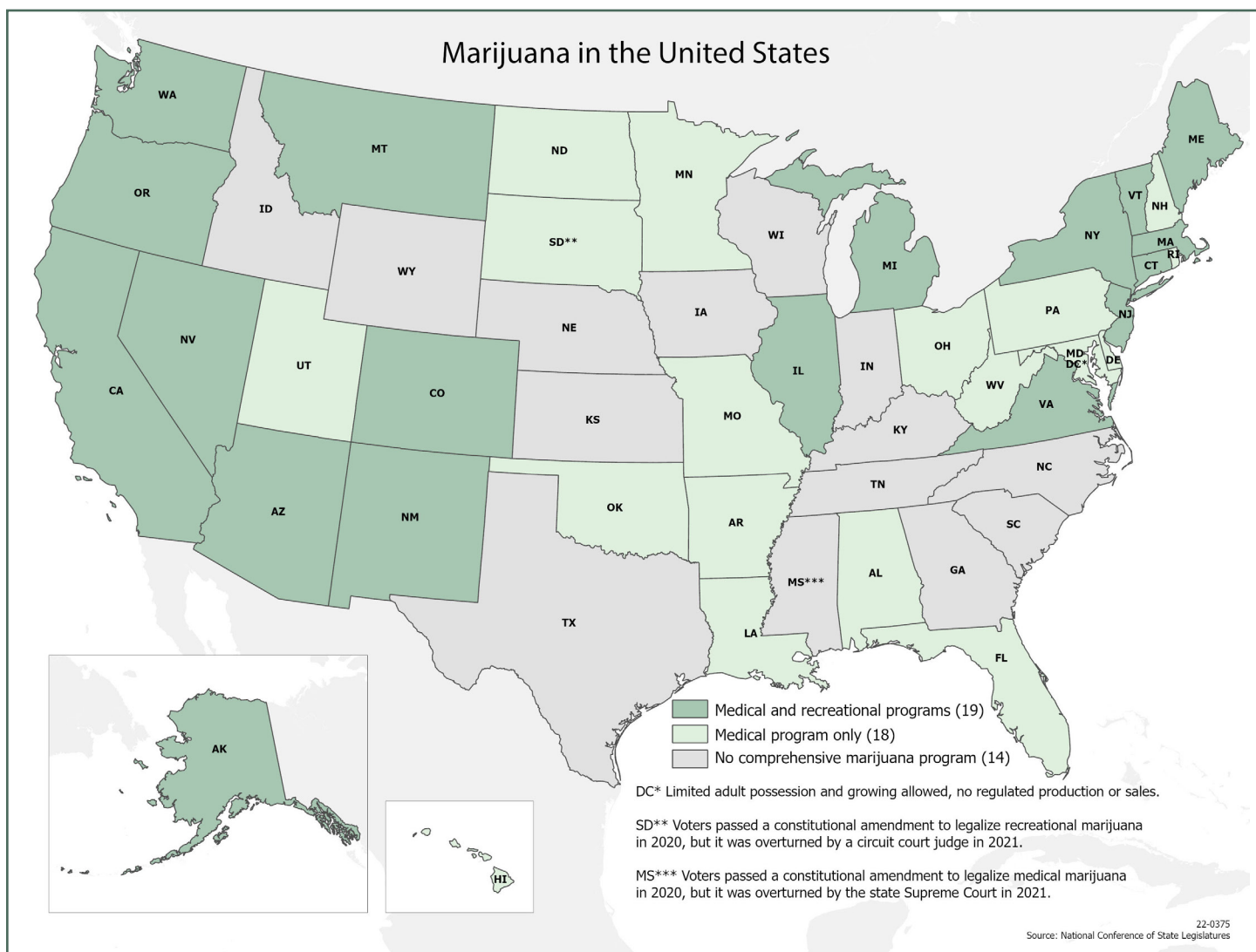
Medical Marijuana

After the Governor vetoed the omnibus medical marijuana bill in the 2020 session, legislators made reform of the industry a priority, especially testing and compliance. Some provisions of this session's omnibus bill, **HB 2646**:

- Allow dispensaries to display samples of its products for the purpose of letting licensees handle or smell samples, so long as the samples are not offered for sale;
- Provide that no additional certificates of compliance are necessary for business license renewal once a certificate showing full compliance has been presented to the Oklahoma Medical Marijuana Authority (OMMA), unless there is a change of use, occupancy or facility;
- Adjust sizes of test and production batches;
- Allow remediated and decontaminated marijuana to be returned to the original licensed commercial grower; and
- Authorize the sale of pre-rolls.

The map on the next page shows marijuana status across the country.

SB 1033 provides that the 1,000-foot setback distance between dispensaries and schools will be measured from the dispensary's front



door to the school door nearest the dispensary's front door. Dispensaries will be grandfathered in if a school is established within 1,000 feet after the dispensary was licensed, and OMMA cannot revoke, deny renewal or deny transfer of a license if OMMA made a mistake in measurement. If a dispensary is found to be within 1,000 feet of a school that was in existence and generally known about before the dispensary obtained licensure, the dispensary's initial request for renewal or transfer of the license may be objected to by a municipality. Additionally, the measure prohibits caregivers from cultivating marijuana plants for more than five patients, allows the Oklahoma State Department of Health (OSDH) to enter into a memorandum of understanding with other state agencies to enforce

medical marijuana regulations, and requires warehouses that handle medical marijuana to be registered and inspected by OMMA prior to its use.

HB 2904 directs OSDH to hire the following positions at OMMA:

- 62 compliance and enforcement positions;
- Six positions to perform legal and financial duties;
- Four investigatory officers with at least five years of experience in criminal investigation; and
- Four positions to perform planning and logistic duties.

HB 2272 requires current medical marijuana business licensees and applicants to submit to the State Bureau of Narcotics and Dangerous

Drugs Control an attestation confirming or denying the existence of any foreign financial interests in their business operation. The measure also requires OMMA to schedule on-site meetings and compliance inspections of business licensees within the first 180 days of licensure to verify the licensee is actively operating or working toward operational status. If a licensee fails to provide proof that they are doing so, they will be granted two grace periods of 180 days each. If the second grace period expires without proof that the licensee is operating or working toward operation, the license will be terminated.

HB 2656 modifies the definition of *marijuana* to remove reference to cannabidiol in regard to a federally approved drug or substance.

The measure provides that any prescription drug approved by the FDA under the provisions of the Federal Food, Drug and Cosmetic Act that is designated, rescheduled or deleted as a controlled substance is to be excluded from Schedule I and is to be prescribed, distributed, dispensed or used in accordance with federal law unless the Board of Pharmacy takes action. If the Board of Pharmacy does not take action, the drug is deemed to be designated, rescheduled or deleted as a controlled substance.

Other Controlled Substances

SB 511 authorizes state, tribal and certain nongovernmental entities to provide harm-reduction services until July 1, 2026. Participating entities cannot use state funds in providing such services, are required to register and report their activities with OSDH, and may engage in the following activities:

- Offering referrals and resources for treatment of substance abuse disorders and medical and mental health services;
- Providing education on the risk of infectious disease transmission;
- Providing rapid testing for HIV, hepatitis C and sexually transmitted infections;
- Possessing and distributing hypodermic needles, cleaning kits, test kits and opioid antagonists; and
- Collecting and safely disposing of hypodermic needles.

HB 2511 requires, beginning July 1, 2022, every manufacturer of a vapor product sold or intended to be sold in the state to deliver to the ABLE Commission an attestation certifying that:

- The product was available for purchase in the United States as of August 8, 2016, and the manufacturer has applied for a marketing order from the FDA

on or before September 9, 2020; or

- The manufacturer has received a marketing order or other authorization from the FDA.

The measure further requires manufacturers to notify the ABLE Commission within 30 days of any material change to the attestation and directs the ABLE Commission to develop a directory listing of all manufacturers that have provided attestations and their vapor products. Any vapor product not in the directory is prohibited from being manufactured, distributed, sold, bartered or furnished in the state.

HB 2279 creates the Oklahoma Industrial Hemp Remediation Program, which allows a person licensed by the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) whose hemp is deemed noncompliant to request approval from the department to remediate the hemp. If approved, the licensee must promptly have the hemp extracted by a licensed processor into concentrated form and sampled by a certified laboratory for THC levels. If the samples are below USDA levels for THC, the hemp is compliant and can be sold commercially; if the samples are noncompliant, the department must be notified and the samples must be destroyed.

SB 460 allows industrial hemp processor licensees to remediate legally grown hemp so long as all THC is removed and it is processed as cannabidiol. The measure also requires licensees to report certain changes to the United States Department of Agriculture

Farm Service Agency and clarifies that ODAFF must have licensees present at the time of inspection and sampling.

HB 1784 creates the Oklahoma Kratom Consumer Protection Act. The measure prohibits kratom products that are adulterated or contaminated with a dangerous nonkratom substance, or contain any synthetic alkaloid, from being prepared or sold. The measure also requires that vendors of any food or ingredient containing kratom or represented to be a kratom product disclose on the product label or a QR code certain information, including suggested use of the product and any necessary precautionary statements. Finally, the measure provides for penalties for violation of the provisions.

SB 862 allows buildings or property owned by a county or municipal government, or any trust or authority with a county or municipal government as a beneficiary, to be designated by the governing body as a smoke-free location.

HB 1567 modifies the amounts of controlled substances that constitute certain classifications of violations within the Trafficking in Illegal Drugs Act as follows:

- 28 grams or more of heroin is deemed aggravated trafficking punishable by a fine of not less than \$50,000 and not more than \$500,000;
- 1 gram or more of LSD is deemed trafficking punishable by a prison sentence not to exceed 20 years and a fine of not less than

HB 2279

What is hemp remediation?

Remediation refers to any process by which non-compliant hemp (THC concentration greater than 0.3 percent) is rendered compliant (THC concentration less than or equal to 0.3 percent). Remediation can be achieved by separating and destroying non-compliant flowers while retaining stalks, leaves and seeds or by shredding the entire hemp plant to create a homogenous “biomass” that can be retested for THC compliance.

Source: USDA Remediation and Disposal Guidelines issued January 2021

\$50,000 and not more than \$100,000;

- 10 grams or more of LSD is deemed aggravated trafficking punishable by a prison sentence of not less than two years nor more than life and a fine of not less than \$100,000 and not more than \$250,000;
- 20 grams or more of PCP is deemed trafficking punishable by a prison sentence not to exceed 20 years and a fine of not less than \$20,000 and not more than \$50,000;
- 150 grams or more of PCP is deemed aggravated trafficking punishable by a prison sentence of not less than two years nor more than life and a fine of not less than \$50,000 and not more than \$250,000;
- 1 gram or more of fentanyl, carfentanil or any fentanyl analogs and derivatives is deemed trafficking punishable by a prison sentence not to exceed 20 years and a fine of not less

than \$100,000 and not more than \$250,000; and

- 5 grams or more of fentanyl, carfentanil or any fentanyl analogs and derivatives is deemed aggravated trafficking punishable by a prison sentence of not less than two years nor more than life and a fine of not less than \$250,000 and not more than \$500,000.

The measure also provides that any person convicted of aggravated trafficking must serve 85 percent of their sentence before being eligible for parole consideration.

HB 1777 requires toxicology laboratories engaged in collection and analysis of blood, breath, saliva or urine to be accredited by the American Board of Forensic Toxicology or by an accrediting body with an independent system based upon ISO/IEC 17025 standards.

SB 57 authorizes members of the Opioid Overdose Fatality Review Board to access information from the central repository pursuant to the

Anti-Drug Diversion Act. Physicians or their designees are required to provide the history of the patient upon request of the patient. The measure also removes language allowing the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to provide unsolicited notification to the licensing board if a pharmacist or practitioner has exhibited signs of problematic prescribing patterns. Additionally, the bill specifies that opioid use disorder is to be defined by the American Psychiatric Association and clarifies exemptions for patients receiving cancer or aftercare cancer treatment or palliative care in conjunction with a serious illness. Lastly, the measure provides that nothing in the Anti-Drug Diversion Act is to be construed to require a practitioner to limit or forcibly taper a patient on opioid therapy.

SB 94 adds the President of the Association of Oklahoma Narcotic Enforcers and the Executive Director of the State Board of Pharmacy to the Opioid Overdose Fatality Review Board. •



Agriculture, Environment and Wildlife

Agriculture

HB 2364 prohibits anyone from labeling a bovine product as “Oklahoma Certified Beef” unless the product was bred, born, raised and slaughtered within the state. The measure authorizes the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) to enforce the requirement and issue penalties for violations.

SB 775 authorizes ODAFF to create and maintain the Livestock Offender Registry, which will contain a list of all persons convicted of stealing livestock.

SB 422 requires the Oklahoma Tax Commission (OTC) to accept these forms as proof of eligibility for certain agriculture tax exemptions:

- A copy of IRS Schedule F, IRS form 1065, or IRS form 4835;
- A one-page business description form provided by OTC;
- A Farm Service Agency form 156EZ; or
- Other documents at the discretion of OTC that verify active agriculture production.

HB 1620 outlines the Legislature’s intent to protect Oklahomans’ rights to engage in agritourism activities, and prevents any city, county, state government agency or political subdivision from banning such activities.

HB 2930 modifies the Oklahoma Agriculture Enhancement and

Diversification Program, which promotes the interests of agriculture through grants and loans. Modifications to the program include:

- The inclusion of grants and loans for agritourism and value-added agriculture;
- Inclusion of grants for veteran or young farmer grants; and
- The prohibition of grants for growing, or any other aspect, of medical marijuana.

HB 1631 requires nutrient management plans for new or expanding poultry feeding operations to be prepared by the operator or operator’s designee. The plan must be submitted to ODAFF for review and approval. The measure also allows a current operator to submit a one-page amendment to the most recently submitted plan in lieu of a renewal plan.

HB 2471 allows ODAFF to establish expiration dates and renewal due dates for pesticide applicator licenses.

SB 844 repeals the Southern Dairy Compact.

SB 270 allows veterinarians to practice remotely via telemedicine. The measure establishes a Probable Cause Committee, consisting of members from the State Board of Veterinary Medical Examiners, and authorizes it to negotiate and settle disputes. The bill also allows the board to give scholarships to individuals working toward a degree in veterinary medicine. The

board may contract with other state agencies and nonprofit corporations for the endowment, management and administration of scholarships.

Environment

SB 448 updates the Oklahoma Solid Waste Management Act by providing that, if done properly, advanced recycling will not be considered disposal, incineration or a solid waste management system. The measure also provides that advanced plastic recycling facilities are not considered disposal sites, solid waste management systems or transfer systems. These facilities are subject to inspections by the Department of Environmental Quality (DEQ) and if they do not comply with the requirements in law, they will not be considered advanced recycling facilities and will be subject to all applicable solid waste laws and regulations as determined by the DEQ. Further, as long as post-use polymers and recovered feedstock are properly managed and disposed of, they will not be considered solid waste.

HB 1705 eliminates the requirement that persons generating or shipping hazardous waste must create a disposal plan and submit it to DEQ for approval. The measure also removes the requirement that these persons submit reports to DEQ on a quarterly basis indicating the amount of hazardous waste generated, treatment and disposal methods. Lastly, the measure eliminates the

fee for the generator disposal plan and modifies the fees for monitoring and small quantity generators.

HB 2049 modifies the cost at which a conservancy district contract requires an advertisement for bids in a newspaper. The measure requires district contracts in excess of \$100,000 to be advertised. Formerly, contracts in excess of \$50,000 needed to be advertised.

SB 246 authorizes DEQ to require the use of an air curtain incinerator for fires purposely set, in areas with a population greater than 500,000, or where the department-certified ambient air quality monitoring data documents a violation of primary National Ambient Air Quality Standards.

SB 1022 authorizes the executive director of the Water Resources Board to issue temporary permits and regular permits that have not been the subject of a protest from an interested party.

HB 2467 repeals the Fuel Alcohol Act.

Wildlife

HB 1112 eliminates statutory hunting seasons and authorizes the Wildlife Conservation Commission to establish hunting season timeframes.

SB 839 prohibits a game warden from placing a game or wildlife camera on private property without the permission of the property owner, or without a warrant issued by a court.

HB 2214 allows a person owning a licensed farmed cervidae facility, or a person holding a big game license or big game and upland game combination license, to set a cyanide coyote getter trap at any time of the year.

SB 812 allows the court to order the defendant to surrender their license directly to a wildlife department officer present at the hearing if a person's hunting or fishing license is revoked in a court hearing. If the license is surrendered to the court, the court will send the license to the department. The court must also send a copy of any conviction information to the wildlife department. The court may send the conviction information electronically.

SB 770 reauthorizes the wildlife diversity income tax checkoff. ●



Criminal Justice

Continuing efforts to provide better outcomes in the criminal justice system in Oklahoma led to the passage of several important measures this session. The Legislature focused efforts on intervention and rehabilitation while maintaining victims' rights. Legislation was also enacted to aid Oklahoma's indigenous population and increase protections for victims of domestic violence.

HB 1880 authorizes district attorneys to create restorative justice programs for nonviolent offenders who qualify for a deferred prosecution agreement. The District Attorneys Council will develop and administer a five-year restorative justice pilot program utilizing citizen-led mediation panels.

SB 172 creates Ida's Law and directs the Oklahoma State Bureau of Investigation (OSBI) to coordinate with the United States Attorney's Office and the United States Department of Justice to obtain federal funding for the purpose of gathering data to address the issue of missing and murdered indigenous persons. The measure creates the Office of Liaison for Missing and Murdered Indigenous Persons under the OSBI to work with tribal, state and federal authorities on missing persons and homicide cases, provide guidance to victims' families, facilitate training and promote best practices, and consult with community organizations to promote community relations.

Several measures were enacted to address domestic violence and provide

additional protections to the victims of domestic violence. **SB 200** authorizes a victim of domestic violence, sexual violence or stalking to terminate a lease without penalty by providing written notice and a protective order within 30 days of the incident to their landlord. The landlord may waive the 30-day deadline. Additionally, the bill prohibits any landlord from terminating or denying renewal of a lease because the applicant or tenant is a victim or alleged victim of domestic violence, sexual violence or stalking, regardless of whether a current protective order exists. The measure also prohibits any landlord from denying an applicant tenancy or retaliating against a tenant because the applicant or tenant has previously terminated a rental agreement using the provisions outlined in this measure.

SB 17 requires the lethality assessment used to assess a victim of domestic violence be available on the Attorney General's website. The measure requires an officer conducting a lethality assessment on a potential domestic abuse victim to implement the protocol referral process to a domestic violence advocate from a certified or tribal program. Regardless of the results of the lethality assessment, referral information for shelters, domestic violence programs and other social services must be provided to the victim.

HB 2295 provides that a person arrested for the violation of a

protective order, an act of domestic violence, domestic abuse, stalking or harassment is not eligible for a personal recognizance bond.

HB 1948 modifies the definition of *family or household members* as used in the Protection from Domestic Abuse Act and in the Domestic Abuse Reporting Act to include persons otherwise related by blood or marriage.

HB 2546 creates the Sexual Assault Victims' Right to Information Act. The measure provides definitions and states that a sexual assault victim retains all the rights of this act regardless of whether the victim agrees to participate in the criminal justice system at any time or whether the victim agrees to receive a medical evidentiary examination to collect sexual assault forensic evidence. The bill provides that a sexual assault victim has a right to consult with a sexual assault advocate during any examination or interview. A sexual assault victims' advocate may be present during any interview with law enforcement or district attorney. The measure provides that no sexual assault forensic evidence can be used to prosecute a sexual assault victim for any misdemeanor crime or as a basis to search for further evidence of any unrelated misdemeanor crime that may have been committed by the victim. The victim is to be notified by law enforcement or medical provider upon initial interaction of their rights to consult a sexual assault advocate, request and receive the results and

status of the analysis of the sexual assault forensic evidence, and request a copy of the police report.

SB 16 allows the Crime Victims Compensation Board have access to written documentation included with a sexual assault forensic evidence kit if the information is essential to determining eligibility. In adult sexual assault cases, the board may use the date the sexual assault forensic evidence kit was tested when establishing whether the claim was timely filed. The measure also specifies that victims who undergo forensic medical examination within 120 hours of the assault are to be considered to have fully cooperated.

Additional private property protections were established by **HB 1135**, which removes the requirement that a property be posted in order for a trespass to occur. A person convicted of entering another's land to commit waste, theft or damage is guilty of a misdemeanor punishable by imprisonment in the county jail for not less than 30 days and not more than six months, a fine of not less than \$50 and not more than \$500, or both. The measure allows people in certain professions and occupations with a legitimate reason to enter private property under specified conditions.

HB 1776 modifies the sentencing powers of a court by requiring all persons convicted of a misdemeanor or felony for the possession of a controlled dangerous substance to provide a DNA sample for the Combined DNA Index System (CODIS). The measure also provides that an attorney employed by the OSBI may enter an appearance in court if requested to do so by another prosecuting authority.

HB 1892 creates a 13-member Advisory Task Force on Prevention of Human Trafficking and Child Exploitation. The task force will study human trafficking, prostitution and child exploitation in Oklahoma and make recommendations to the Legislature on methods and laws to

enhance and fund the efforts of law enforcement or community groups that are working to slow and stop prostitution, human trafficking or child exploitation. A report of findings and recommendations is due on or before February 1, 2022, at which time the advisory task force terminates.

The Legislature also examined laws related to unlawful assembly and protest. **HB 1674** provides that any person who unlawfully obstructs the normal use of any public street, highway or road by restraining motor vehicle traffic, by approaching motor vehicles or by endangering the safe movement of motor vehicles or pedestrians is guilty of a misdemeanor punishable by up to one year in the county jail, a fine of not less than \$100 nor more than \$5,000, or both. Additionally, the person is liable for all damages to person or property. The measure provides that a motor vehicle operator who unintentionally causes injury or death while fleeing a riot is not to be held criminally or civilly liable. The measure provides that if an organization is found to be a conspirator with persons committing riot-related crimes, the organization may be punished by a fine that is 10 times the amount of said fine authorized by the appropriate provision. Two related measures, **HB 2095**, modifies racketeering as relates to the Oklahoma Racketeer-Influenced and Corrupt Organizations Act to include unlawful assemblies; and **SB 403**, provides that it is unlawful to disrupt or interfere with the business of any political subdivision.

HB 1759 makes it unlawful to use malicious computer programs on a computer or computer network or to willfully solicit another, regardless of any financial consideration or exchange of property, of any acts prohibited by the Oklahoma Computer Crimes Act. The testing of a computer system or network by an authorized entity against real or imagined threats or harms is not prohibited. *Malicious computer*

program is defined to mean any computer program that is created, executed, modified or distributed with the intent to disrupt, destroy, deny access to, redirect, defraud, deceive, exceed or gain unauthorized access to any computer, computer system, computer network or data. *Malicious computer program* includes, but is not limited to, viruses, Trojan horses, spyware, worms, rootkits, backdoors, ransomware and other malicious computer instructions, whether part of or independent of broader computer software or computer systems.

SB 50 requires a criminal case that has been filed and processed in the traditional manner to be cross-referenced with a mental health court case file by the court clerk if the case is subsequently assigned to a mental health court program. The originating criminal case file is to remain open to public inspection and the court is to determine what information or pleadings are to be retained in the mental health case court file, which will be closed to public inspection.

SB 283 makes attendance of a victims impact panel program mandatory for any person convicted of knowingly and willfully permitting any individual under 21 years of age who is an invitee to the person's residence, any building, structure or room owned, occupied, leased or otherwise procured by the person or on any land owned, occupied, leased or otherwise procured by the person, to possess or consume any alcoholic beverage.

SB 312 provides that a conviction for identity theft committed against a person who is less than 18 years of age is a felony, punishable by imprisonment of not less than two years, nor more than 10 years, and a fine of not more than \$100,000.

Miscellaneous Criminal Justice

HB 1684 allows a peace officer to file a report with the district attorney

to see if an arrest is warranted as it relates to investigations involving certain gambling offenses.

HB 2515 clarifies that child abuse and neglect may apply to any person responsible for the health of the child instead of merely the child's parents.

HB 2666 clarifies the definition of *rape* to include acts within the bonds of matrimony.

HB 2778 authorizes a district attorney to destroy records and files pertaining to felony, misdemeanor, traffic, wildlife or juvenile cases if they have been digitized.

Corrections

Several measures were enacted to assist offenders with re-entry into society with a goal of reducing recidivism. **HB 1679** directs the Department Corrections (DOC) to provide offenders released from its custody with relevant documentation to assist the offender in obtaining post-release employment. DOC is to coordinate with the Department of Public Safety (DPS) to provide a REAL ID Noncompliant Identification Card if the inmate does not have a current state-issued identification card or driver license. If no other form of identification is available, DPS must allow the use of a DOC consolidated record card to serve as a valid identification document to obtain a REAL ID Noncompliant Identification Card to be valid for a period of four years from the month of issuance.

SB 320 allows medically frail and medically vulnerable offenders to receive consideration in compassionate parole proceedings. The measure defines *medically frail* as an individual with a medical condition that precludes the individual from performing two or more activities of daily living on their own and *medically vulnerable* as an individual with medical conditions that make the individual more likely to contract an illness or disease while incarcerated that could lead to death

or cause an individual to become medically frail. Medical conditions that place an individual in the medically vulnerable category are specified. The measure also requires any victim to be notified when an offender is being considered for this parole option.

HB 2773 requires members of the Pardon and Parole Board to uphold and promote the independence, impartiality, fairness and integrity of the board and to avoid impropriety or the appearance of impropriety. If a member of the board determines that circumstances would cause a reasonable person with knowledge of all the relevant facts to question the board member's impartiality, the board member must disclose any potential conflict of interest and withdraw from participation in the matter.

HB 2774 requires all law enforcement agencies, sheriffs, jailers, prison keepers, and their deputies who have custody of a person who is the subject of an immigration detainer request to comply with any request made in the immigration detainer request provided by the federal government and to inform persons identified in the immigration detainer request that they are being held because of the request. If a person provides proof of citizenship, sheriffs, jailers and prison keepers are not required to hold the person. The measure also requires the United States Immigration and Customs Enforcement to be allowed reasonable access to detention facilities for the purpose of identifying inmates.

HB 2275 directs the Community Sentencing Division of DOC to submit statistical information relating to community sentencing participation by county, the total number of qualifying and non-qualifying community sentences per month for each local community sentencing system, total number of community sentences ordered per month, program participation, and the annual average cost per offender. The measure requires a copy of the report

to be submitted to the Oklahoma Statistical Analysis Center for publication on the Oklahoma State Bureau of Investigation's website.

HB 2311 modifies the provisions for a juvenile serving time in an adult jail in the following ways:

- A juvenile may be, upon conviction, incarcerated in an adult facility if it is licensed by the State Department of Health to detain individuals under 18 while they await housing by DOC. However, individuals 18 years of age and older sentenced to the custody of Office of Juvenile Affairs may be detained in the general population of the county jail pending placement.
- Any child at least 15 years of age who is charged with first-degree murder may be detained in an adult facility only after a hearing in which the child is provided representation and the court makes a written finding that it is in the interest of justice that the child be placed in an adult facility.
- A hearing must occur no less often than every 30 days, or every 45 days for a rural jurisdiction, to determine whether it is in the best interest to continue to hold a youth in an adult facility or have sight and sound contact with adult inmates. The individual cannot remain in an adult facility for more than 180 days unless the court determines good cause for an extension.

Children placed in an adult jail must be afforded rights and protections, including providing their mental health screening information to the facility and allowing visit requests in a timely manner.

SB 801 requires supervising agencies or contracted providers in regard to community sentencing to file a statement with the court defining the provision which has been successfully

completed by the offender instead of the administrator of the local system.

HB 2909 creates the Department of Corrections Offender Management System Revolving Fund to be expended for the purpose of implementing and administering an offender management system.

HB 2908 directs DOC to use \$8 million to improve the correctional officer-to-inmate ratio at correctional facilities, \$9.24 million for hepatitis C treatment, and \$1.8 million for a contractual per diem increase at the Lawton Correctional and Rehabilitation Facility, and designates \$9.24 million for transfer to the Department of Corrections Offender Management System Revolving Fund.

Miscellaneous Corrections

HB 1015 deletes obsolete reimbursement requirements for the medical care of inmates of DOC. The measure requires that reimbursements be made at the State and Education Employees Group Insurance Board rate or at the rate provided in the Oklahoma Medicaid Fee Schedule.

HB 1023 provides that any contraband item prohibited in a correctional facility may be forfeited and sold pursuant to Oklahoma forfeiture procedures.

HB 1651 repeals Title 22, Section 991a-21, which required courts to impose a term of post-imprisonment supervision by DOC.

HB 1753 removes the requirement for the Carl Albert Mental Health

and Substance Abuse Services Center to provide a psychiatrist to DOC.

HB 2338 allows the Director, department heads, emergency responders and other essential employees of DOC to use a state-owned vehicle to provide transportation between their residence and place of employment.

SB 304 clarifies the information and documentation needed when an inmate is transferred from a county jail to DOC by declaring a certified copy of the judgment and sentence sufficient.

SB 456 adds inmates convicted on counts relating to child abuse or neglect, as well as inmates convicted of exploitation of a vulnerable adult, to the list of persons deemed ineligible to be placed in the Electronic Monitoring Program. ●



Economic Development and Financial Services

Banking and Financial Services

HB 1034 provides that, unless the deposit account agreement states otherwise, an authorized signer of a consumer or commercial deposit account may do the following:

- Sign checks;
- Make deposits of checks payable to the account owner into the account;
- Make cash deposits into the account;
- Obtain an account balance;
- View copies of checks they have signed;
- Obtain deposit slips when making a deposit; and
- Any other powers granted in writing by the account owner.

The measure also modifies the requirements for beneficiaries of Payable on Death (P.O.D.) deposit accounts. If a sole primary P.O.D. beneficiary dies before the account owner's death, the funds will be distributed to the contingent beneficiaries who are alive at the time of the account owner's death. If no beneficiaries are alive, the funds will be paid to the account owner's estate. Additionally, if an owner of an account with \$50,000 or less dies and has no P.O.D. beneficiary, the measure requires the bank or credit union to transfer the money to the known heirs of the deceased owner without requiring the heirs to open

an additional account, provided no probate proceedings are pending. The affidavit sworn to and signed by the known heirs establishing jurisdiction, heirship and intestacy may contain a clause indemnifying the bank from any damages relating to the release of the funds. In the event of pending probate proceedings, the release of the deposits in the account will be determined by the court.

HB 2568 authorizes banks and credit unions to offer savings promotion raffles, which are defined as a contest in which the sole consideration for a chance of winning is obtained by the deposit of a specified amount of money in a savings account or other savings program. The measure clarifies that savings promotion raffles do not violate Oklahoma lottery and gambling laws.

HB 1061 provides that monies in the Canceled Warrant Fund that are due to the cancellation of warrants from the Crime Victims Compensation Fund are to be returned to the compensation fund rather than deposited into the General Revenue Fund.

HB 2180 requires state agencies to, upon the request of the employee, make payroll deductions for the payment of any insurance premiums due a private insurance organization or service company.

SB 281 requires county and city investments into bonds issued by the federal government to be invested in securities rated A+ or better by

Standard and Poor's Corporation, A1 or better by Moody's Investor Service, or an equivalent grade by a securities ratings organization accepted by the National Association of Insurance Commissioners.

SB 587 amends the definition of *eligible local government entity* as used in the Oklahoma Community Economic Development Pooled Finance Act to include entities under the jurisdiction of the State Board of Career and Technology Education or the Oklahoma State Regents for Higher Education. The measure also adds to the act's definition of *infrastructure* any asset or project owned or operated by an eligible local government entity that provides a specific industry-focused training program and meets certain other qualifications.

HB 2331 and **SB 75** exempt the Oklahoma Military Department and the Social Security Disability Determination Services Division of the Department of Rehabilitation Services, respectively, from the requirement to obtain an information security risk assessment by the Information Services Division of the Office of Management and Enterprise Services.

SB 568 exempts sales or offers to sell a security from the Oklahoma Uniform Securities Act of 2004 if certain conditions are met, including:

- The issue is a corporation or other business entity resident and doing business in Oklahoma,

the purchaser is a resident of the state, and the transaction meets the requirements of the federal exemption for intrastate offerings;

- Such sales are limited to \$5 million, and the aggregate value of securities sold by an issuer to any one person cannot exceed \$5,000 unless the purchaser is an accredited investor as defined by [Rule 501 of Regulation D of the Securities Act of 1933](#);
- Commission or remuneration is not paid or given to a broker-deal or agent as registered under the Oklahoma Uniform Securities Act of 2004;
- The issuer files quarterly and fiscal year-end reports to the Oklahoma Department of Securities (ODS); and
- The issuer holds funds in an escrow account.

Certain entities are prohibited from offering securities under the provisions of the measure. The ODS is directed to promulgate rules pursuant to the measure within 90 days of the effective date.

SB 796 adjusts the caps of loan finance charges on unpaid balances of a supervised loan. The measure also allows supervised lenders to assess a closing fee of up to \$28.85 upon consummation of the loan.

Business

SB 228 modifies the Oklahoma General Corporation Act and the Oklahoma Limited Liability Company Act. The measure:

- Authorizes members of a corporate board of directors to consent to a future action, provided that the action occurs within 60 days;
- Allows resolutions authorizing the issuance of capital stock to be issued in one or more transactions in a manner determined by the board,

provided that the resolution fixes a maximum number of shares to be issued, a time period during which shares can be issued, and a minimum amount of consideration for which shares may be issued;

- Prohibits corporations from sending defective corporate acts to shareholders for a vote if there are no shares of valid stock outstanding;
- Defines *stock ledger* as used in the Oklahoma General Corporation Act to mean one or more records administered by or on behalf of a corporation in which the names of all shareholders, the address and number of shares registered in the name of each such shareholder and all issuances and transfers of stock are recorded;
- Requires agreements of mergers or consolidations to include any other securities of the surviving or resulting corporation or of any other corporation or entity the shares, rights or other securities of which are to be received;
- Amends the definition of *entity* as used in the measure to include foreign corporation and domestic or foreign limited liability companies;
- Removes language prohibiting appraisal rights from being available for any shares of stock of the constituent corporation surviving a merger if the merger did not require an approval vote by the shareholders;
- Specifies that when a manager of a limited liability company delegates rights, power and duties, such delegation will not cause the delegate to become the manager nor restrict the manager's power and authority;
- Creates the Oklahoma Public Benefit Limited Liability Company Act, which allows existing domestic limited

liability companies to become a public benefit limited liability company by amending its articles of organization and domestic entities through a merger, consolidation, exchange or conversion;

- Prohibits public benefit limited liability companies to take certain actions without approval of members who own at least two-thirds of the then-outstanding membership interests; and
- Outlines duties of members or managers of public benefit limited liability companies and requires such companies to biennially provide statements to its members regarding promotion of its public benefits.

SB 71 directs the Oklahoma Department of Commerce (ODOC) to establish reporting requirements for successful applicants pursuant to the Oklahoma Local Development and Enterprise Zone Incentive Act. Additionally, the measure provides that the Oklahoma Tax Commission (OTC) is no longer required to maintain a record of income tax credits claimed pursuant to the act, and instead directs OTC to prepare a report that includes data collected from the reporting requirements by the ODOC.

SB 606 removes the designation for the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act Incentive Payment Fund, changing it from a special fund to an agency special account, and removes language limiting the liability of the state to the balance contained in the fund.

HB 1001 clarifies the data required to be maintained by a scrap metal dealer. The measure allows any federally recognized identification card to be used and requires a vehicle identification number to be recorded if no license plate is affixed to the vehicle. The measure also requires a digital image of the items purchased and of the seller. A seller must

provide either a certificate of title, a notarized power of attorney from the individual on the title authorizing the seller to dispose of a vehicle, or a statement of ownership from the seller accompanied by a bill of sale from the lawful owner. Finally, the bill places any copper wire that is four gauge or larger and any copper wire from which the insulation or coating has been burned or melted, as well as remote storage batteries, under the provisions of the Scrap Metal Dealers Act.

SB 1082 requires the ODOC to use \$1.5 million of its appropriated funds to implement the Aerospace Commerce Economic Services Act and \$15 million to implement the Oklahoma Accelerator Program to stimulate growth of startup companies.

HB 1817 exempts 501(c)(3) organizations from the requirements of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act.

SB 552 increases the percentages a pawnbroker may charge in connection with a pawn transaction as part of a finance charge, according to the following schedule:

- 20 percent of the amount financed up to \$250;
- 15 percent of the amount financed from \$250 to \$500;
- 10 percent of the amount financed from \$500 to \$1,000;
- 5 percent of the amount financed from \$1,000 to \$5,000; and
- 3 percent of the amount financed from \$5,000 to \$25,000.

Insurance

According to the American Diabetes Association, approximately 452,000 Oklahomans have diabetes, many of whom take insulin. With the increasing cost of insulin, the Legislature passed **HB 1019**, which caps the total amount an insured person is required to pay for a

covered insulin prescription at \$30 for a 30-day supply and \$90 for a 90-day supply. Health insurers are also authorized to charge less than the capped amounts.

SB 550 requires insurers denying any portion of a clean claim to notify the insured, enrollee, or subscriber and health care provider in writing within 30 calendar days after receipt of the claim by the insurer. The written notice must specify in detail the reason for the denial including information on where a person or entity that received notification may respond.

HB 2678 expands the list of practices constituting an unfair claim settlement practice to include failing to include any amount paid by an enrollee or on behalf of an enrollee by another person when calculating the enrollee's total contribution to an out-of-pocket maximum, deductible, copayment, coinsurance or other cost-sharing requirement.

SB 137 creates the Act Concerning Interpretation of Oklahoma Insurance Laws to clarify that a restatement of insurance laws by a secondary source such as a legal treatise, scholarly publication, textbook or explanatory text does not constitute state law or public policy. Such statements also have no legal authority if they conflict with the U.S. Constitution, Oklahoma Constitution, state statute, case law precedent, or other common law.

HB 2120 deletes references to *mHealth* from the Oklahoma Telemedicine Act.

HB 2323 prohibits an insurer or a preferred provider organization (PPO) from removing a provider from the network solely because the provider informs an enrollment of the full range of physicians and providers available to the enrollee. The measure also prohibits any provider agreement contract that would prohibit or penalize providers for out-of-network referrals, provided the insured signs an acknowledgement of referral that the insured may incur

certain charges, deductibles and higher coinsurance.

HB 2403 requires the Oklahoma Insurance Department to send a notice by first-class mail 90 days prior to terminating any license issued by the department under the Oklahoma Producer Licensing Act when a licensee has failed to renew their licenses after a 12-month inactive period.

HB 2824 allows designated public retirement systems that contribute towards a monthly health insurance subsidy for its retirees to submit those payments directly to a qualified benefits administrator.

SB 66 exempts school districts from paying the surplus lines premium tax from insurance policies sold to them.

SB 122 modifies the Credit for Reinsurance Act, which provides a framework for a primary insurer, known as the ceding insurer, to cede a portion of its liability to a reinsurer. The measure provides reinsurers, known throughout the measure as an assuming insurer, with credit for reinsurance when the assuming insurer is domiciled and licensed or has its head office in a reciprocal jurisdiction and meet the following regulatory requirements:

- Minimum capital and surplus requirements set by Oklahoma Insurance Department (OID) rules;
- Minimum solvency or capital ratios set by OID rules;
- Consent in writing to be subject to the jurisdiction of Oklahoma courts and to the appointment of the OID Commissioner as the agent for service of process;
- Consent in writing to pay all final judgments obtained by a ceding insurer or its legal successor;
- A provision in the contract requiring the reinsurer to provide security equal to 100 percent of reinsurance liabilities in the event the reinsurer resists

enforcement of a final judgment or a properly enforceable arbitration award;

- Prompt claims payment practices; and
- Annual confirmation from the domiciliary supervisory authority that the reinsurer is in compliance with the capital, surplus and minimum solvency or capital ratio requirements.

The OID Commissioner is required to create and publish a list of reciprocal jurisdictions and assuming insurers that have satisfied the conditions set forth in the act. Credit may only be assumed for reinsurance agreements entered into, amended or renewed after the effective date of the measure.

SB 287 updates the Travel Insurance Act, which provides a legal framework for selling travel insurance within the state and to Oklahoma residents. The measure:

- Authorizes licensed insurance producers to sell, solicit and negotiate travel insurance;
- Specifies that pre-existing condition exclusions in travel insurance policies are required to be disclosed prior to the time of purchase and must be in the policy fulfillment materials;
- Requires fulfillment materials to be provided to a policy holder following the purchase of a travel protection plan;
- Modifies the terms for refund of a travel protection plan and prohibits the use of tactics such as negative option or opt-out;
- Holds insurers responsible for the acts of a travel administrator managing travel insurance underwritten by the insurer;
- Classifies travel insurance as an inland marine line of insurance or an accident and health line of insurance depending on the coverage provided; and
- Allows eligibility and underwriting standards for

travel insurance to be developed and provided based on travel protection plans.

SB 330 removes the requirement for the Oklahoma Tax Commission to monitor and provide notification on the balance of the Self-insurance Guaranty Fund.

SB 490 includes home warranties within the legal framework of the Oklahoma Home Service Contract Act. The measure specifies that home service contracts and home warranties are not insurance in this state or regulated under the insurance code.

SB 529 modifies an interest rate used to calculate minimum nonforfeiture amounts relating to life insurance annuities from 1 percent to 0.15 percent.

SB 738 provides that an entity that insures an Oklahoma educational institution will be considered an insurer and are subject to an annual audit, actuarial opinions and fines levied by the Insurance Commissioner. The measure requires the commissioner to serve notice to an insurer if there is reason to believe that the insurer is insolvent or engaged in hazardous business practices. The insurer will have 30 days to respond and file a written plan of action and the commissioner may assess a fine equal to \$500 per day for failure to timely file a written plan. If the commissioner further determines that supervision is necessary, the commissioner is required to serve notice to the insurer that supervision is required. An insurer that does not comply with the lawful requirement of the commission during supervision can be subject to administrative or judicial proceedings that place the insurer in conservation, rehabilitation, liquidation or other delinquency proceedings.

SB 887, the omnibus insurance bill, modifies numerous provisions relating to insurance law. Significant provisions include:

- Requiring a business character report to be updated at least every six months;
- Requiring insurers to provide reasonable exceptions to the rate, underwriting and rating rules for consumers whose credit information have been affected by certain catastrophic events;
- Modifying the election structure of the Oklahoma Property and Casualty Insurance Guaranty Association;
- Requiring insurers to reimburse clean claims filed electronically within 30 days after receipt;
- Prohibiting prepaid funeral benefit permit holders from changing the name under which the permit holder operates without permission from the commissioner;
- Establishing a process, fees and criteria for dormant captive insurance companies to apply for a certificate of dormancy;
- Transferring responsibilities of the State Commissioner of Health within Health Maintenance Act to the OID Commissioner; and
- Updating notice requirements for canceling residential homeowner's insurance policies.

SB 1030 authorizes the OID Commissioner to levy a civil penalty of up to \$1,000 for failure to timely file the market conduct annual statements.

SB 1035 modifies the Oklahoma Risk Retention Act, which provides for regulation and licensure of risk retention groups. The measure:

- Redefines *risk retention group* to mean any corporation or other limited liability association organized primarily to assume and spread the liability exposure of its group members;
- Requires all risk retention groups chartered in the state to file an annual statement with

OID and National Association of Insurance Commissioners;

- Establishes a 10-day deadline for submitting revisions to any plan of operation or feasibility study submitted to the OID Commissioner by a risk retention group and requires a revision to be submitted if the group wants to offer additional kinds of liability insurance;
- Creates governance standards for risk retention groups and requires existing risk retention group to meet the new standards within one year of the effective date of the act;
- Requires each risk retention group to pay taxes on premiums of direct business for risk;
- Adds claimants against its insureds to the list of entities prohibited from receiving any insurance insolvency guaranty fund or similar mechanism;
- Provides that any policy of insurance issued to a risk retention group or any member of that group does not need to be countersigned;
- Specifies that when insurance is bought from insurers not authorized in the state, such risks will not be covered by any insurance guaranty fund or similar mechanism;
- Prohibits an insurer from providing advantages to a purchasing group or its members based on the loss and expense experience of the group; and
- Requires purchasing groups to list all other states in which the group intends to do business with to the OID Commissioner.

The measure also sets the application fee for special purpose captive insurance companies at \$300 and requires each series captive insurance company to pay a minimum aggregate tax of \$3,500 each year.

SB 1015 allows an intergovernmental self-insurance pool to keep records received from risk pool participants confidential.

Labor and Professions

HB 2873 creates the Universal Licensing Recognition Act, which creates a framework for issuing professional and occupational licenses and certifications to individuals who have comparable credentials from another state. The map on the following page shows which other states recognize out-of-state occupational licenses. A qualified applicant is someone who meets residency requirements and has held their equivalent out-of-state license or certification for at least one year. When evaluating whether an applicant satisfies the requirement for issuance of the requested license or certification, the appropriate regulatory entity in Oklahoma must apply all similar and verifiable training, education and work experience in the manner most favorable toward the applicant. An applicant must also demonstrate that they are free of any complaint, investigation, suspension, revocation or discipline by any other regulatory entity or jurisdiction for unprofessional conduct and may be required to submit to a criminal background check.

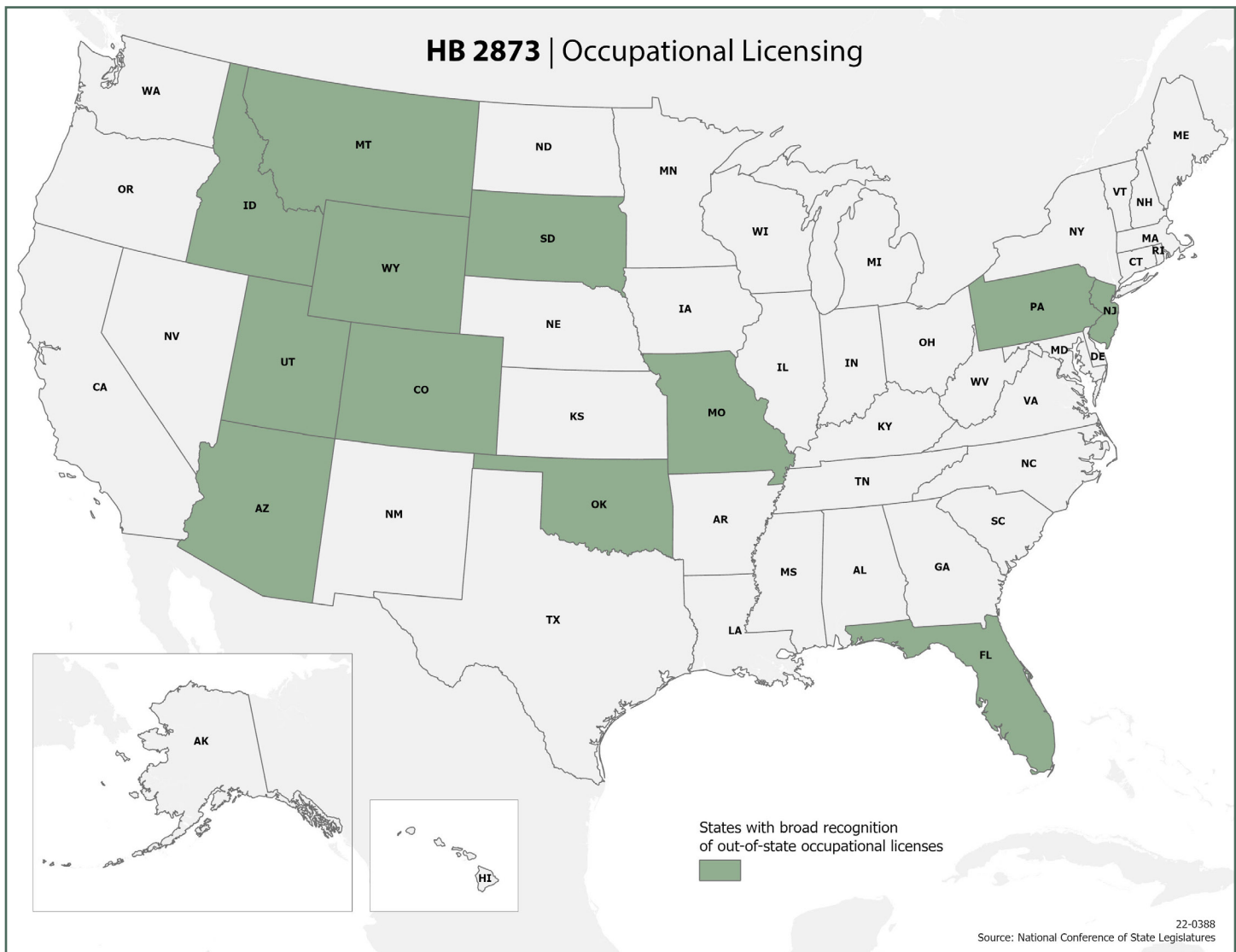
HB 1934 provides that any provision in a design professional services agreement arising from death, bodily injury, or damage to property, due to negligence or fault of the entity or its agents is void and unenforceable.

SB 758 authorizes the Real Estate Appraiser Board to employ a director to oversee the organization and activities of the board, and ensure compliance with rules promulgated by the board. Employees of the board would be hired by and subject to supervision of the director and would be considered unclassified employees of the Insurance Department for the purpose of administrative support provided by OID.

HB 1147 makes several changes to the State Architectural and Registered Interior Designers Act, including:

- Changing the name of the act to State Architectural and Registered Commercial Interior Designers Act and adding the word *commercial* to instances of the term *registered interior design or designer*;
- Modifying the composition of the Board of Governors of the Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma, reducing the number of architects and increasing the number of registered commercial interior designers;
- Prohibiting a registered commercial interior designer from accepting or receiving compensation from an individual other than their client in connection with reparation or construction of a building interior;
- Prohibiting a registered commercial interior designer from bidding for a contract for reparation or erection of a structure for which they have prepared plans or specifications, unless the contract is a design/build contract;
- Making registration as a commercial interior designer non-transferable;
- Authorizing the board of governors to restore a lapsed or revoked registration; and
- Clarifying that registration as a commercial interior designer does not authorize an individual to engage in the practice of architecture or landscape architecture.

HB 1029 updates the definition of *security guard* in the Oklahoma Security Guard and Private Investigator Act to include active reserve certified peace officers.



SB 748 provides that reports, statements and other records submitted to or generated by a design professional peer reviewer or review committee are exempt from discovery or subpoena and are inadmissible as evidence in a judicial or administrative proceeding.

SB 850 allows a licensed barber, cosmetologist, hairdresser, manicurist or certified hair braider to provide, upon request, licensed services in a customer's private residence. These services will be provided privately and not subject to inspection, rules or regulations by the State Board of Cosmetology and Barbering.

HB 1148 provides that only a real estate licensee may market for sale an equitable interest in a contract

for the purchase of real property between the property owner and a prospective purchaser.

HB 1150 clarifies the rulemaking authority of the Construction Industries Board to implement the provisions of the Plumbing License Law of 1955, including categories and limitations for licensure.

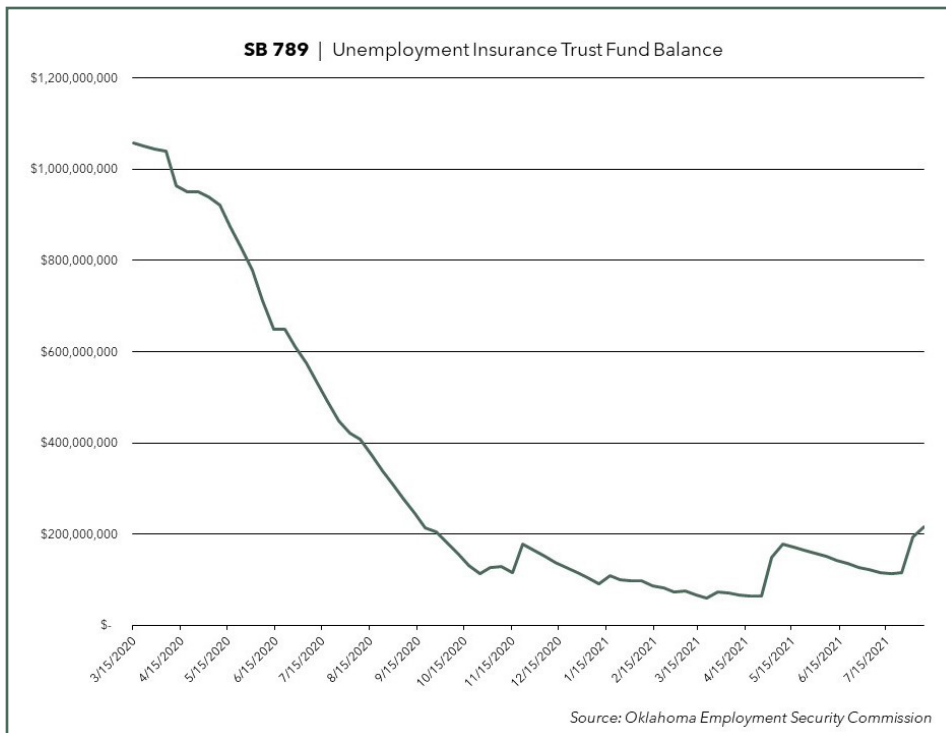
HB 1742 updates the definition of *cremation* as used in the Funeral Services Licensing Act to include alkaline hydrolysis.

HB 2072 authorizes the Oklahoma Funeral Board to issue a temporary funeral director or embalmer license in the event a statewide emergency is declared by the Governor. The authorization ends one year from the effective date of the act.

SB 148 expands the Uniform Building Code Commission by two, adding a licensed electrical engineer and a licensed mechanical engineer.

SB 270 allows veterinarians to practice remotely via telemedicine. The measure establishes a Probable Cause Committee, consisting of members from the State Board of Veterinary Medical Examiners, and authorizes it to negotiate and settle disputes. The bill also allows the board to give scholarships to individuals working toward a degree in veterinary medicine. The board may contract with other state agencies and nonprofit corporations for the endowment, management and administration of scholarships.

SB 317 directs the Construction Industries Board to register an



individual as a student electrical intern upon certification that the applicant is at least 16 years of age and enrolled in high school and a work-ready or similar program recognized by the board. One student electrical intern may work under the direct supervision of a single journeyman or contractor per site, but that intern does not count against the maximum number of apprentices allowed to work under that journeyman or contractor.

SB 789 authorizes the Oklahoma Employment Security Commission (OESC), during a declared state of emergency that directly and adversely impacts the unemployment compensation fund causing it to drop below \$25 million, to:

- Claim up to 25 percent of federal emergency relief funds made available to the state;
- Decrease the surcharge to be charged to each employer;
- Borrow federal funds; and/or
- Allow the balance to remain less than \$25 million but not less than \$10 million.

When a state of emergency does not directly impact the fund, the

commission is required to assess and collect a surcharge for the calendar quarter in which the fund dropped below \$25 million in order to keep the fund balance at \$25 million. The graph above shows the fund's balance from March 2020 to August 2021.

SB 794 provides that electronic filing will be OESC's preferred filing method for tendering and receiving documents. The measure also provides that if an individual has been employed by a nonseasonal employer during the base period of their benefit year, the individual may become eligible for benefits during a between-season denial period based only on the wages of nonseasonal employment. The bill requires, in the event of overpayment of benefits to an individual, notice to be sent of the determination of overpayment. If the individual disagrees with the determination, they may file an appeal within 10 days, or if no appeal is filed, the determination will be deemed final and no further appeal is allowed. The measure also allows OESC to enter into an agreement with the Department of Human Services (DHS) for information required in order to identify persons owing child support. An applicant

is no longer required to disclose that they owe child support. OESC will withhold only the child support amount determined by DHS. An employer's benefit wages will not include wages paid to an employee who was separated from employment as a direct result of a pandemic. Finally, the measure requires OESC to return overpayments received in the Employer's Unemployment Tax Account. Upon termination of the employer's account, OESC must issue a refund of any remaining credit balance.

HB 2326 provides that a member of the Oklahoma Abstractors Board who has served two consecutive terms may be reappointed after the expiration of at least one full term. The measure also provides that a felony conviction that could result in the loss of an abstract license must substantially relate to the practice of abstracting and pose a reasonable threat to public safety. The measure defines *poses a reasonable threat* to mean the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation. The measure defines *substantially relates* to mean the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation.

HB 2501 defines *authorized agent or representative* within the Oklahoma Abstractors Act and authorizes the release of an abstract to an authorized agent or representative of the owner.

Tourism

SB 949 transfers the administration of the Oklahoma Film and Music Office from the Department of Tourism to the Oklahoma Department of Commerce (ODOC).

SB 739 transfers the administration of the Oklahoma Tourism Development Act from the Tourism Department to the ODOC. All currently approved tourism project agreements are transferred to the ODOC. The measure requires any company proposing a tourist attraction to hire a competent consulting firm to study the proposed economic impact of the attraction. The company may hire the ODOC to complete the study for a minimum of \$5,000. The measure also

authorizes the ODOC to determine the revenue neutrality of a project.

SB 1081 requires the Oklahoma Historical Society to spend \$150,000 to hire a grant writer for Black Towns in Oklahoma and \$150,000 to provide grants for schools so that they may provide transportation to The Freedom Center & Clara Luper Civil Rights Center, The Greenwood Historic District and the Oklahoma City National Memorial and Museum.

HB 1783 gives the Oklahoma State Athletic Commission jurisdiction over amateur kickboxers and amateur kickboxing events. Amateur combative sports events conducted or sponsored by amateur sanctioning bodies are no longer exempt from the provisions of the Oklahoma State Athletic Commission Act. USA Boxing events and events sponsored or conducted by the International Olympic Committee are exempt from the provisions of the act. ●



Education

Education is always a priority for lawmakers, and this year was no different. This session the Legislature passed bills to increase funding for schools, increase parent and school choice, improve course offerings for students, and to continue to build the corps of teachers in the state.

School Funding

Legislators were surprised mid-session when the State Board of Education (SBE) voted to settle a lawsuit over charter school funding. Many lawmakers felt the board's decision was unconstitutional, so they nullified the board's action in state law and came up with an alternative plan. **SB 229** creates the Redbud School Funding Act, which directs a portion of medical marijuana sales tax revenue to the State Public Common School Building Equalization Fund. The measure requires the board to annually distribute grants to public schools and eligible charter schools from the fund and defines the formula for determining how much each school will receive. The grants must be used to aid public schools and eligible charter schools in acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures or equipment. Lastly, the measure clarifies that charter schools are ineligible to receive state-dedicated, local, and county revenue.

In an effort to concentrate school funding around the student,

lawmakers passed **HB 2078**, which eliminates a district's ability to use its weighted average daily membership count from two years prior for the calculation of its state aid allocation. Schools are now required to use more recent student counts. The measure also increases the percentages of allowable general fund carryover and waives penalties for excessive carryover for FY 2022 and FY 2023.

HB 2890 allows school districts to have an excess in their general fund carryover for fiscal years 2020-2023 and not be penalized.

SB 1037 allows school districts to keep funding from the federal Coronavirus Response and Relief Supplemental Appropriation Act of 2021 and the federal American Rescue Plan Act of 2021 in their building fund accounts.

School and Parent Choice

Lawmakers expanded school and parental choice with **SB 783** by modifying the Education Open Transfer Act. The measure allows a student to transfer from one school district to another at any time during the year, unless the grade level at the receiving school is already at capacity. Each school board must establish its own capacity and adopt a policy to determine the number of transfer students it can accept in each grade level at each school site. Each year, the Office of Educational Quality and Accountability will randomly audit 10 percent of the districts in the state to see if the number of approved and

denied transfers are in line with the policies adopted by the district's board of education.

SB 658 requires school districts to notify parents of their option to provide a current, up-to-date immunization record for their child, or a completed and signed exemption form. The measure also prohibits public schools, career tech centers, state colleges and universities, the State Regents and SBE from requiring a COVID-19 vaccine for admittance to school. These entities are also prohibited from implementing a mask mandate for students who have not been vaccinated. School boards and technology center school districts may only implement a mask mandate after consulting with the health department that has jurisdiction where the board is located, and if the Governor has declared a state of emergency in that jurisdiction. Such mandates must be reconsidered at each regularly scheduled board meeting.

SB 1080 expands the Equal Opportunity Education Scholarship program, which provides tax credits to those who donate to private school scholarship granting organizations. The cap on tax credits for the scholarship program is increased from \$3.5 million to \$25 million. The measure also expands the cap on tax credits for donations made to eligible public school foundations, from \$1.5 million to \$25 million and limits the credits to \$200,000 per public school district annually.

Common Education

HB 2030 requires the subject matter standards for history, social studies and U.S. government to include the study of important historical documents, including the United States Constitution, Declaration of Independence, Emancipation Proclamation and Federalist Papers. Subject matter standards for U.S. government must include simulations of the democratic process and lessons on the structure and relationship between national, state, county and local governments. Lastly, the measure requires high school students to pass the United States naturalization test in order to graduate.

HB 1775 prohibits public school teachers from teaching components of critical race theory. The measure also prohibits state colleges and universities from requiring gender or sexual diversity training.

SB 128 creates the Seizure-Safe Schools Act, which applies only to schools with an enrolled student who has a seizure disorder and is prescribed seizure rescue medicine. These schools are required to employ at least one person who has met the training requirements necessary to administer seizure rescue medication, and someone who can recognize the signs and symptoms of seizures and the steps necessary to respond. School employees are exempted from disciplinary action or civil liability if they are acting in compliance with the Seizure-Safe Schools Act. The measure also exempts a school nurse from being responsible for any action performed by a volunteer.

HB 1569 creates the Oklahoma Play to Learn Act, which declares the Legislature's intention to focus on the importance of child-centered, play-based learning as the most developmentally appropriate way for young children to learn. The measure authorizes educators to create learning environments that promote movement, creative expression, exploration, socialization, and

reading for pleasure, among other things. Lastly, the measure prohibits a school district from preventing a teacher from utilizing play-based learning in early childhood education.

HB 2749 requires school districts that receive more than \$2,500 in Reading Sufficiency Act appropriations to spend at least 10 percent of that funding on professional development for pre-K through fifth grade teachers. The professional development must include training on the science of reading. The State Department of Education (SDE) is required to approve and publish a list of evidence-based professional development programs.

SB 89 creates the Health Education Act, which requires the SBE to adopt health and physical education standards and requires schools to provide instruction addressing health education subject matter standards by the 2023–24 school year. The standards must include:

- The domains of physical, emotional, social and intellectual health;
- The importance of proper nutrition and exercise; and
- Information about mental health, substance abuse, positive relationships, responsible decision making and coping skills for understanding and managing trauma.

HB 1568 requires schools to include instruction in mental health as part of any health education curriculum. School districts may work with pre-approved nonprofits to provide this education. The SBE must revise the academic standards for health and physical education to include a focus on mental health and develop a list of age-appropriate resources for students in grades K–12.

SB 252 requires all public high schools to offer a minimum of one computer science course beginning with the 2024–25 school year. All public middle and elementary schools are required to provide instruction

aligned to the Computer Science Academic Standards by 2024–25. The measure also requires the SDE to publish a report on its website containing the course codes and descriptions of the computer science courses offered in each school by 2025.

HB 2691 requires the Commission for Educational Quality and Accountability to issue a report detailing factors in the public education system that contribute to improvements in:

- High school graduation rates and college and career assessment scores;
- Reduced remediation rates and timely college graduation rates; and
- Career readiness and the ability for new graduates to find in-state employment.

If the commission finds there is insufficient information to fulfill these requirements, the report must contain recommendations for addressing information gaps between the SDE, CareerTech, and the Oklahoma State Regents for Higher Education. The report will be submitted to the House, Senate and Governor by October 31, 2021.

HB 1882 creates the Out-of-Schooltime Task Force which will:

- Review existing maps of after-school programs and highlight gaps in access and equity;
- Identify and evaluate a set of evidence-based best practices to improve and increase the number of quality, affordable out-of-school programs;
- Review tools to evaluate success across education; and
- Explore funding sources to support out-of-schooltime.

HB 1103 requires public schools to administer the Oklahoma Prevention Needs Assessment Survey biennially, beginning with the 2022–23 school year, subject to the availability of

federal funding. The measure allows districts to administer a comparable alternate survey.

HB 1801 renames the Riley Boatwright Act to Riley's Rule. The measure requires school boards, beginning with the 2021–22 school year, to coordinate with local emergency medical service (EMS) providers to develop an Emergency Action Plan (EAP) for each school facility. Each plan must:

- Include maps and directions with appropriate contact information for emergency medical services;
- Include a medical administrator who is a current school employee;
- Include a list of medical equipment available;
- Be posted in each facility; and
- Be distributed to all school officials involved in athletic activities.

The EAP must be rehearsed annually with school officials and local EMS providers. Prior to any athletic event with visiting teams, the plan will be digitally transmitted to the school's administrator or coach.

SB 54 creates the Purple Star Campus designation for public school districts. To qualify, a school district or individual school must:

- Designate a school employee to identify military-connected students and serve as the point of contact at the school for such students and their families;
- Maintain a webpage on the campus website that includes resources for military-connected students and their families;
- Maintain a transition program that assists military-connected students who are new to the school; and
- Offer professional development for school employees on issues related to military-connected students.

The measure defines *military-connected student* as a student who is a dependent of a current or former member of the United States military, the Oklahoma National Guard or the reserve force of the United States military.

SB 619 allows high school sophomores who are at least 16 years old to enter into apprenticeships, internships and mentorships offered by their school. Previously, only juniors and seniors could do so. The measure also allows the SBE to develop rules for determining whether apprenticeships can be used as credit toward graduation requirements.

SB 807 authorizes support employees to receive pay for any time lost due to their school being ordered closed by a health officer or closed because of an epidemic.

SB 132 allows students in the 11th grade to sign up for an Oklahoma Higher Learning Access Program (OHLAP) scholarship. Previously, students were required to sign up by the 10th grade.

SB 642 requires all public schools to provide students in grades 10–12 an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) test and consult with a military recruiter. A school district may elect not to provide the ASVAB test if it provides a sufficient alternative.

SB 121 requires all school boards to provide employees who are lactating a daily paid break to use a designated room for the purpose of maintaining milk supply and comfort. The measure also requires districts to make a reasonable effort to provide a private, secure and sanitary room, where an employee can express milk or breastfeed a child.

HB 2223 requires the SDE to maintain the dyslexia handbook created by the Dyslexia and Education Task Force. The department is required to review and revise the handbook at least every three years in consultation with stakeholders and the task force.

HB 1046 requires school districts to post a copy or hyperlink of their most recent financial audit to the front page of their website.

HB 1104 requires the SBE to collect information about a student's tribal affiliation along with any other student data collected pursuant to the Student Data Accessibility, Transparency and Accountability Act of 2013.

SB 68 provides that a student meets residency requirements for school enrollment if their legal guardian is transferred or is pending transfer to a military installation in the state while on active duty.

SB 69 provides that a student is eligible to enroll in a statewide virtual charter school if their parent is transferred or is pending transfer to a military installation within the state while on active military duty.

HB 1968 requires that all school districts report expenditures for their gifted and talented programs pursuant to the Oklahoma Cost Accounting System and eliminates the requirement that districts send copies of this report to the SDE by August 1 of each year.

HB 1018 removes the requirement that the State Superintendent of Public Instruction compile and publish the school laws book.

SB 211 allows the Oklahoma Board of Private Vocational Schools to:

- Accept and approve applications for sustained licenses;
- Conduct announced or unannounced site visits to an applicant or licensed school;
- Invoice a travel fee to conduct site visits; and
- Collect data required to be reported to the U.S. Department of Education, any state or federal agency or an accrediting organization.

The measure requires the board to develop and present optional training for schools emphasizing continuing

development of school personnel, and processes to address emerging issues. Lastly the measure establishes new fees that the board may charge private schools or applicants for site visits, certain reviews and trainings.

SB 302 provides visiting high school athletic teams the same rights to radio broadcast, video stream, and provide telegraphic play-by-play accounts as the home team, as long as the visiting team has a valid agreement to broadcast with a media organization, or a curricular program for students that typically provides streaming for the team’s home games.

SB 22 requires a school board to give a lessee right of first refusal to purchase property if the board chooses to sell any of its real or personal property that is being leased.

HB 2462 authorizes the SDE to enter into contracts and agreements for the payment of food, lodging, and other authorized expenses that may be necessary to host or participate in conferences or training sessions. The measure also authorizes the SDE to create accounts for the collection and distribution of funds from sponsors or registration fees related to conferences or training sessions.

SB 705 repeals the Oklahoma Center for Rural Development Act.

Teacher Training, Preparation and Certification

HB 1773 requires teacher candidates in preservice teacher preparation programs to study multi-tiered systems of support, which focus on evidence-based assessment, intervention and data-based decision-making procedures. The programs will also include training on:

- A structured approach to literacy that includes phonics;
- An evidence-based approach to mathematics instruction;
- The application of behavioral sciences to classroom management; and

- The identification and impact of trauma on student learning and trauma-informed responsive instruction.

HB 1796 allows the SBE to exempt a teacher from taking a subject area exam if the teacher has an advanced degree in the subject that is substantially comparable to the content on the subject area exam. The Commission for Educational Quality and Accountability will provide the SBE with the necessary information to determine comparability.

HB 2752 requires the SDE to establish micro-credentials for teachers in the areas of science, technology, engineering and mathematics (STEM). The measure requires the SDE, in consultation with the Commission for Educational Quality and Accountability, to convene a working group to determine how such micro-credentials will be used. A micro-credential in STEM is to be used to exempt a teacher from the corresponding subject area competency exams and corresponding professional development requirements.

HB 2748 creates a one-year alternative teaching certificate for early childhood or elementary education. The certificate is renewable for up to three years.

SB 1038 allows a student teacher to receive compensation for up to one full year and removes the requirement that teacher candidates complete a minimum teacher internship requirement prior to taking on a paid position as a student teacher.

HB 1027 requires school districts to make training about violence de-escalation available to school

employees. The training must include information about trauma-informed teaching, self-regulation practices for students and staff, and trauma-informed response protocols for addressing behavior with compassionate approaches.

SB 21 requires school boards to adopt policies regarding suicide awareness and training and provide district staff with evidence-based suicide prevention training on a biennial basis. The measure also allows school districts to provide information on suicide awareness and prevention to students in grades 7-12.

HB 1593 modifies how often teachers are required to take certain professional development trainings.

HB 2329 allows the SBE to exempt deaf teachers who meet certain requirements from taking all certification exams.

SB 13 requires a teacher whose certificate has been suspended by the SBE to be placed on suspension while proceedings for revocation are pending.

Commissioners of the Land Office

HB 2870 authorizes the Commissioners of the Land Office (CLO) to select more than one custodial bank and to make payment of fees to investment consultants and multiple custodial banks. The measure also requires the CLO to acquire written competitive bids from custodial banks every 10 years, instead of every five years.

HB 2871 and **SB 147** relate to the CLO. The measures clarify that the

HB 2752
What are micro-credentials?

Micro-credentials are an approach to professional development that provides teachers with the opportunity to gain competency in and earn recognition for mastery of new skills or educational practices. They often address a fine-grained or discrete set of practices. Some are offered through the State Department of Education, and others are offered through various professional education organizations.

5 percent cap on investments in real property does not include the value of real property under long-term lease to the state, agencies of the state or subdivisions thereof.

SB 910 requires the CLO to hold auctions for the sale of land in the county where the land is situated.

Higher Education

SB 48 creates the Student Athlete Name, Image and Likeness Rights Act. The measure specifies that a student athlete may earn compensation commensurate with market value for the use of their name, image or likeness while enrolled at a postsecondary institution without penalty or resulting limitation on participation. A student athlete cannot earn compensation in exchange for their athletic performance or participation in intercollegiate athletics or sports competition. The measure also creates the Revised Uniform Athlete Agents Act, which expands the definitions of *athlete agent* and *student athlete* and adds new requirements to the signing of an agency contract. Additionally, the act provides greater flexibility to students when choosing between a professional draft or the continuation of their college education.

SB 639 requires the State Regents to administer a survey to students who receive an OHLAP scholarship but withdraw from their institute of higher education before completing a degree or certificate program. The survey must ask why the student withdrew, the barriers to completion and the future plans of the student. The Regents are required to submit

an annual report to the House and Senate that includes data from the survey and other specific information.

SB 292 creates a 14-member task force to study and make recommendations regarding current and future concurrent enrollment needs of the state. The task force must submit a report of its findings to the House, Senate and Governor by November 30, 2022.

HB 2943 transfers the University Center of Southern Oklahoma in Ardmore to Murray State College and redesignates it as Murray State College at Ardmore. The transfer will include all property, assets, indebtedness, legal agreements and responsibilities associated with the University Center of Southern Oklahoma.

HB 1821 removes the mandate that the State Regents award tuition aid grants. Further, the measure modifies the criteria the regents may use to award grants. The regents are authorized to consider a student's enrollment status, unmet financial need, nearness to completion, eligibility for other state and institutional financial aid and state employment needs.

HB 2750 requires colleges and universities within the Oklahoma State System of Higher Education to grant course credit to students who score a 3 or higher on an Advanced Placement exam. Colleges and universities must post their credit policy regarding Advanced Placement exams on their websites beginning with the 2021-22 fall academic term and must also conduct biennial reviews of their Advanced Placement credit policy.

HB 2396 authorizes non-profit organizations that specialize in sex trafficking outreach to provide a series of in-depth sex trafficking prevention and education programs to freshman students at state colleges and universities.

HB 1962 modifies the definition of *qualified higher education expenses* as used in the Oklahoma College Savings Plan Act to match the definition under Section 529 of the Internal Revenue Code.

SB 261 creates the Oklahoma Student Borrower's Bill of Rights Act, which prohibits student loan servicers from:

- Directly or indirectly defrauding or misleading student loan borrowers;
- Engaging in deceptive practices, like misrepresenting the amount of the loan, the nature or terms of fees, or the borrower's obligations;
- Obtaining property by fraud or misrepresentation;
- Incorrectly applying or failing to apply a student's loan payments to the outstanding balance;
- Providing inaccurate information to a credit bureau about a borrower;
- Refusing to communicate with an authorized representative of the student loan borrower;
- Failing to inform borrowers of the federal income repayment options; and
- Failing to inform borrowers if their loan does not qualify for loan forgiveness programs. ●



Energy and Utility Regulation

SB 1049 creates the February 2021 Unregulated Utility Consumer Protection Act. The measure authorizes the Oklahoma Development Finance Authority (ODFA) to provide a pooled loan program for financing of qualified costs incurred by unregulated utilities, for the purpose of mitigating extreme purchase costs and extraordinary costs to customers of the unregulated utilities related to the February 2021 extreme weather event. Funding for the program is provided through the issuance of utility revenue bonds issued by ODFA.

A related measure, **SB 1050**, creates the February 2021 Regulated Utility Consumer Protection Act, which outlines the process for securitizing the extreme purchase costs or extraordinary costs incurred by regulated utility companies during the extreme weather event. The measure includes a list of factors the Oklahoma Corporation Commission (OCC) must consider when making a determination that a regulated utility has extreme or extraordinary costs subject to the act, which may be mitigated by issuance of ratepayer-backed bonds by the ODFA. All bond issuances under the act are subject to the approval of the Oklahoma Supreme Court.

SB 535 increases the cap on a penalty pursuant to provisions of OCC related to pipeline safety. The amount of administrative penalty per day of violation is capped at \$200,000. The maximum penalty is increased to \$2

million. A related measure, **SB 536** doubles the cap on a penalty under the Hazardous Liquid Transportation System Safety Act. The amount of administrative penalty per day of violation is capped at \$200,000. The maximum penalty is increased to \$2 million.

HB 1093 directs the Oklahoma Water Resources Board to update its water quality standards to allow for development of watershed trading programs by November 1, 2026.

HB 1815 directs OCC to issue a report and recommendations regarding availability and appropriateness of natural gas utilities to procure, transport, and deliver renewable natural gas to consumers. *Renewable natural gas* is defined to include biogas-derived methane gas, hydrogen gas or carbon oxide from renewable sources, or methane gas derived from any combination of hydrogen gas or carbon oxide from renewable sources. The report must also address production of educational materials regarding renewable natural gas and discuss future reporting requirements for producers.

HB 2029 modifies the process by which an OCC division order becomes effective. The law requires owners of record of 63 percent of the normal royalty interest in and to the unit area to approve or ratify the order, including royalty interests owned by lessees or subsidiaries of lessees.

HB 2330 allows drilling of municipal water wells inside and outside of the municipal limits.

SB 1021 creates the Hydrogen Production, Transportation and Infrastructure Task Force. The task force is directed to meet at least once per month, and to hold at least one meeting each on issues regarding hydrogen production and the distribution of hydrogen. A report of findings and recommendations is due no later than December 1, 2021.

SB 1059 extends the termination date of the Corporation Commission Plugging Fund from 2021 to 2026.

SB 118 authorizes the Oklahoma Municipal Power Authority (OMPA) to hold executive sessions under the Open Meetings Act, for purposes of discussing security plans and procedures. The measure also exempts records related to OMPA security plans and procedures from requirements of the Open Records Act. A related measure, **SB 123** exempts OMPA from provisions of the Information Technology Consolidation and Coordination Act.

SB 364 changes the domicile of the Grand River Dam Authority from the City of Vinita to Mayes County.

SB 492 allows electronic signatures whenever statute requires the signature of a Corporation Commissioner, the commission chair or vice chair, or the commission secretary or assistant secretary. An electronic image will also suffice in

place of a printed seal when notice by OCC is required.

SB 632 provides that the proceeds owed for oil and gas drilling and development, proceeds from the acquisition of oil and gas rights, and proceeds from an unfulfilled contract or agreement for the purchase of mineral rights are to be included in the list of illustrated rights as it relates to oil and gas. The measure modifies the Nature, Extent, and Duration of Oil and Gas Lien to include the provision to secure the obligation of any person to pay any proceeds for the acquisition of oil and gas rights.

Broadband and Technology

HB 1124 directs the Oklahoma Department of Commerce (ODOC),

with participation from the Rural Broadband Expansion Council, to promulgate rules and procedures establishing the State Broadband Deployment Grant Program. The program will include a competitive grant program to award funding to applicants seeking to expand access to broadband internet service.

SB 802 expands the Rural Broadband Expansion Council from 14 members to 16. One additional member will be a wireless internet service provider appointed by the Speaker of the House. The other additional member will be a leader of a tribe recognized within Oklahoma and appointed by the President Pro Tempore of the Senate.

HB 2928 directs private broadband service providers to submit a report containing their network area

coverage map to ODOC and the Rural Broadband Expansion Council by October 31, 2021. The providers are required to update this map and report annually. OneNet, the Office of Management and Enterprise Services (OMES), and the Department of Transportation are likewise directed to provide mapping of all assets and network coverage. Both public and private internet service providers are directed to disclose the properties they serve and the average minimum upload and download speeds at which they provide services to those properties. These reports will remain confidential. ODOC will use a third party to collect the data, and this third party will remove information that identifies specific providers before delivering the data to the department.

Broadband Access in Oklahoma



OCAN Institutions

Source: Oklahoma Community Anchor Network



Higher Education Campus



Hospital



Public Safety Agency



Library

The Oklahoma Community Anchor Network was developed as part of the 2009 Oklahoma Broadband Initiative. The network was funded by a grant from the National Telecommunications and Information Administration in 2010 following an extensive mapping project to document unserved and underserved communities around the state, and delivers high-speed broadband service over fiber optic cable to more than 90 community anchor institutions.

SB 428 requires the director of OMES to initiate a request for proposal to determine which state applications and databases can be transferred immediately to a cloud-based data storage platform. The applications and databases eligible to be transferred will be limited to customer relationship management tools, case management tools, workflow tools and supplemental financial systems. OMES is

authorized to enter into a contract for these cloud-based data services.

SB 706 allows use of a personal delivery device on any sidewalk, crosswalk, road or street in any county or municipality in the state. A *personal delivery device* is defined as an electronic device primarily operated on sidewalks and crosswalks, intended primarily for transport of goods on public right-of-way, weighing less than 550 pounds and equipped with automated

driving technology. A personal delivery device is prohibited from interfering with motor vehicles or traffic and from obstructing public rights of way. It must obey all traffic and pedestrian signals, travel at no more than 10 mph, be equipped with lights, and may not transport hazardous material.

SB 487 changes the composition of the Oklahoma Science and Technology Research and Development Board. ●



General Government

SB 585 modifies the definition of *habitual or willful neglect of duty* as it relates to causes for removal of an individual from office, clarifying that an official may be removed for knowingly giving false testimony to a committee of either house of the Legislature, knowingly engaging in operations beyond the authority delegated to the agency served by or employing the officer, or repeatedly refusing to provide information to a committee, either house, or a member of the Legislature within 15 days of receiving a request to do so.

HB 1875 prohibits an educational agency or institution, if it is not the primary custodian of student directory information of students attending the institution, from releasing or selling any student directory information unless disclosure is authorized by federal law. If this prohibition does not apply, the educational institution is authorized to designate specific information to be classified as directory information for students attending the institution.

HB 1876 clarifies and extends an exception to the Oklahoma Open Records Act relating to public employee personal information. The home addresses, home telephone numbers, Social Security numbers, private email addresses and private mobile phone numbers of current and former public employees will not be open to public inspection or disclosure. Public records created using a private email address or

private mobile phone are not included within this exception.

HB 2365 creates the Oklahoma Supplier Diversity Initiative to allow certain businesses and registered vendors to be automatically notified of opportunities to do business with the state. A qualifying business must have less than 500 total employees, annual revenue of \$25 million or less, and certified as one of the following business categories:

- Oklahoma Department of Transportation Disadvantaged Business Enterprise
- Woman-Owned Small Business
- Minority-Business Enterprise
- Small Disadvantaged Business
- Service-disabled Veteran-Owned Small Business
- HUBZone Small Business Concern
- 8(a) Business Development Program
- Native American-owned Business
- Veteran-owned Business

The measure requires the Central Purchasing Division of the Office of Management and Enterprise Services (OMES) to create a search tool for state agencies to obtain contact information for identified diverse firms.

HB 1376 requires use of competitive bidding, pursuant to the Public

Competitive Bidding Act of 1974, for contracts entered into by the Oklahoma Aeronautics Commission for airport and air navigation facility construction and repair.

HB 2861 relates to at-risk construction management contracts in which the at-risk construction manager or trade contractor is required to furnish a payment bond. Only persons having a direct contractual relationship with the party furnishing the payment bond would have a right of action upon the bond.

HB 2862 raises several dollar amount limits and thresholds related to competitive bidding, including:

- The limit on construction contracts that may be negotiated with a qualified contractor is raised from \$5,000 to \$10,000;
- The limit on contracts for right-of-way clearance to not be considered construction contracts and required to be open for bidding is raised from \$50,000 to \$100,000;
- The limit on contracts for projects of the Oklahoma Department of Wildlife Conservation (ODWC) relating to fish and wildlife conservation is raised from \$25,000 to \$50,000; and
- The limit on contracts under an emergency authority declared by the governing body of a public

agency is raised from \$75,000 to \$150,000.

The threshold for public construction contracts requiring competitive bidding is increased from \$50,000 to \$100,000, but remains at \$50,000 for construction management trade contracts or subcontracts. Contracts under \$100,000 would be let and awarded to the lowest responsible bidder or awarded on basis of competitive quotes.

HB 2863 requires a state agency to present to the Commissioners of the Land Office (CLO) a complete appraisal of real property including the present fair value, the value of improvements, and the actual condition of the improvements on the property before the property can be sold, leased, exchanged or disposed of. The agency must also provide a 20-day period to CLO to provide a proposal for acquisition or disposal of the property. If CLO declines to provide the proposal, the 20-day period is no longer applicable. The measure also exempts lands managed by ODWC from requirements that OMES be responsible for selling, leasing, exchanging or disposing of real property on behalf of state agencies.

HB 2911 exempts the Department of Tourism and Recreation from the requirement that state agencies allocate 1.5 percent of expenditures for capital projects to the Oklahoma Arts Council to fund the Art in Public Places Act.

SB 382 exempts purchases of clothing and food for patients in the care of the J.D. McCarty Center for Children with Developmental Disabilities from requirements of the Oklahoma Central Purchasing Act.

SB 91 allows a public entity to consider capital cost avoidance and additional revenue directly attributed to the contract when calculating cost savings for performance-based efficiency contracts.

SB 870 provides that the Oklahoma Tax Commission (OTC) no longer is

required to deliver annual financial statements to the State Treasurer and the State Auditor and Inspector. The requirement that the State Auditor conduct an audit of the financial statements of OTC each fiscal year is also removed. OTC will be subject to an annual operational audit rather than a continuous audit.

HB 1140 transfers the Oklahoma Chief International Protocol Office from the Office of the Secretary of State to the Department of Commerce.

HB 2296 re-creates the Red River Boundary Commission. The commission is directed to confer and act in conjunction with representatives from Texas to:

- Evaluate the methods, surveys, historical maps and other information used to establish the Texas boundary in the Texoma area;
- Determine the location of the south bank of the Red River as located and marked by the U.S. Army Corps of Engineers before construction of Lake Texoma; and
- Redraw the boundary with Texas on any real property for which the Army Corps of Engineers was granted an easement for construction and operation of a water pipeline in the Texoma area, in order to ensure there is no net loss of property between either state and that the redrawn boundary does not increase the power or influence of either state.

The commission is required to report findings and recommendations no later than January 15, 2022, and issue a final report no later than January 30, 2025.

State Government

SB 88 modifies voting requirements for public trusts to waive public bidding requirements. The measure authorizes public trusts with fewer than four trustees to waive bidding

requirements with two-thirds of the vote instead of three-fourths of the vote. Additionally, the measure exempts public trusts from auditing requirements provided the trust does not possess any debt obligations and has assets totaling less than \$50,000.

HB 2316 renames the 2-1-1 Oklahoma Coordinating Council to the Oklahoma 2-1-1 Collaborative and designates it as the state lead entity of all 2-1-1 call centers in the state. Duties of the collaborative include certifying providers who want to become 2-1-1 call centers, developing and maintaining certification standards, collaborating with entities as required by federal law or in order to receive federal funding, providing funding formula recommendations, and submitting an annual report no later than September 1 of each year. The Oklahoma 2-1-1 Collaborative must meet no less than two times a year and adopt bylaws governing its operations. The state may comply with any requirements necessary to apply for and receive federal funding if it becomes available.

SB 365 creates the Oklahoma Distinguished Meritorious Service Medal for extended exemplary service to the state and allows the award to be granted posthumously.

SB 939 provides that any action conducted by critical infrastructure sectors will not constitute a nuisance when the applicable industry acts in compliance with or acts consistently with government rules, guidelines or laws applicable to their sector.

SB 961 prohibits any state agency or official from imposing any filing or reporting requirement on an organization regulated or specifically exempted from regulation under the Oklahoma Solicitation of Charitable Contributions Act more stringently than is otherwise required by federal and state law. The provisions of this measure only apply to private foundations or charitable trusts, excluding nonprofit hospitals.

HB 2648 provides that any order or rule issued by any governmental

entity pursuant to an emergency that requires closure of any place of worship entitled to the religious exemption found in Section 501(c)(3) of Title 26 of the United States Code is considered a substantial burden even if the order or rule is one of general applicability.

SB 1031 extends the sunset date as it relates to authorizing public bodies to meet via teleconference or videoconference as modified for the emergency conditions from November 15, 2020, to February 15, 2022, or until 30 days after the Governor ends the declared state of emergency relating to the threat of COVID-19. The measure requires that documents and other material provided to the public body be available on the website of the public body if the public body maintains a website. The measure also requires public bodies giving notice of meetings to be conducted via videoconference to not modify the method of meeting described in the notice prior to the meeting and to include the code or password to access the meeting in the public notice when applicable.

SJR 23 calls for an Article V Constitutional Convention in order to pass a Constitutional Amendment to limit federal appropriations made by the Congress in a fiscal year to the amount of all estimated federal revenues for that fiscal year. The joint resolution also calls for a second Article V Constitutional Convention to propose and consider amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

HB 2902 directs \$1.9 million of FY 2022 appropriations to OMES for the Pay for Success program. The measure requires OMES to expend this amount according to certain population criteria.

Miscellaneous State Government

HB 1816 designates the rescue animal as the state pet of Oklahoma.

SB 1064 is the annual duplicate sections bill, which conforms the multiple versions of statutes enacted.

State Employees and Benefits

HB 1146 transfers administration of most state employee positions from the Oklahoma Merit Protection Commission to the Human Capital Management Division of OMES on January 1, 2022. The effect of this merit protection system reform is to transition most state employees from classified service to unclassified. The Human Capital Management Division will establish and maintain a dispute resolution system for state agencies and employees, receive and act on complaints arising from disciplinary actions by state employees, submit quarterly reports on workload statistics to the Legislature, and create a confidential whistleblower program. The bill terminates the existing Oklahoma Merit Protection Commission on December 31, 2022.

SB 650 ends a freeze in state employee flexible spending allowances in place since 2013. For Plan Year 2022, a participant's allowance will be increased by 2 percent from the amount in the previous year. For 2023, the allowance is increased another 2 percent from the previous year or according to a formula based upon average monthly premiums of certain plan components.

SB 107 authorizes OMES to renew vision plan contracts with plan providers for one-year terms if the provider had a contract for the preceding year.

SB 282 allows, during an emergency declaration, a temporary increase in accumulation limits for state employee annual leave, which may carry over to the end of the fiscal year in which the emergency declaration

ends. A similar measure, **SB 333** allows accumulation limits for state employee compensatory time to temporarily increase during a declared emergency and carry over to the end of the fiscal year in which the emergency declaration ends.

SB 63 removes a requirement that a state employee who receives severance benefits as part of a reduction-in-force, and is re-employed by the same agency within one year of separation, must repay part of those benefits.

County and Municipal Government

SB 838 allows a governing body of a municipality to create a public safety protection district. The district would include all territory within the municipality and be managed by the governing body which created the district. The voters of the municipality would have the power to approve creation of the district in a special election. An annual assessment of no more than 5 mills on the dollar of assessed property value would be used for operation and maintenance of the district, including purchasing and maintaining public safety equipment, payment of salaries and benefits for municipal first responders, or payment for emergency medical services.

HB 1064 applies a single method of calculating base salary for county officers to all counties. Previously, one calculation was used by counties that had approved the exemption of household goods from ad valorem taxation, and one was used for counties that had not. Seventy-five out of 77 counties have approved the exemption. The upper limit of the county officer base salary is increased from \$44,500 to \$49,500. Additions to base salary will be calculated based upon gross assessed valuation rather than net valuation. The bill provides that any changes in salaries and rates of pay for county officers, deputies and aides, are to coincide with the fiscal year.

SB 483 requires county board of equalization and county excise board members to complete a minimum of six hours of training within 12 months of appointment. Members must also complete a minimum of three hours of continuing education annually. The measure directs the program director of the Center for Local Government Technology at Oklahoma State University to send a written notification of failure to comply with the educational requirement to the county clerk, the board of county commissioners and the State Auditor and Inspector. A board member not in compliance is no longer eligible to receive compensation or travel reimbursement. Board members are prohibited from missing more than three meeting days per calendar year unless otherwise excused by the member's appointing authority. Members who fail to meet this requirement must forfeit their office. Additionally, the measure increases compensation for county board of equalization members in counties with an assessed value of at least \$2 billion from \$75 to \$125 per day and from \$50 to \$100 per day for members of all other counties.

SB 828 modifies a restriction on salaries of deputy county officers. While a deputy may not receive a salary in excess of the principal county officer, the measure provides that an individual employed to perform duties that are not in assistance to a county officer, including but not limited to specialized or technical duties, may receive a salary in excess of the principal officer.

HB 1063 clarifies the authority of a board of county commissioners to employ information technology staff. The measure also allows a data processing technician's term to extend beyond the term of office of the board appointing them.

HB 1036 allows a board of county commissioners to buy or sell materials, tools, and equipment with a political subdivision that is not subject to the Oklahoma Central Purchasing Act or other similar

competitive bidding procedure. In addition, the measure clarifies that the county commissioners may buy or sell with any tribal government, county or political subdivision at a price agreed upon by both governing bodies. Furthermore, purchasing or selling with other governments in this manner is exempt from notice and bid requirements.

HB 1749 gives a county treasurer the option not to bid off common area nuisance property owned by the county, instead leaving it under current ownership. A treasurer is required to consider certain factors when determining property to be nuisance property, including existence of liens in excess of the property's fair market value or whether transferring ownership to the county or a third party would cause a hardship to the neighborhood. Determination of a property as common area nuisance property may be made at any time.

HB 2362 cancels and extinguishes any claims for taxes or other liens or encumbrances that the state or a municipality may have had on real estate with respect to any deed conveying title to the board of county commissioners where such property was bid off in the name of the county.

HB 1789 allows local governmental units to create or contract with a purchasing cooperative in order to achieve best value or best terms in contracts. The measure allows any purchasing cooperative or interlocal cooperative to utilize a single legal newspaper of the state to meet its bid notice requirements. If the project is exclusive to a county or group of counties, the bid notice must be published in a legal newspaper within one of those counties.

HB 2747 eliminates the Public Employees Relations Board and its assigned responsibilities. The measure requires a municipal employer to recognize a bargaining agent selected by a majority of its firefighters or police officers as the exclusive bargaining agent

for those firefighters or officers. A bargaining agent recognized by a municipality prior to the effective date of the measure will continue to be recognized. A question of whether an association is the exclusive bargaining agent is to be resolved by an election, paid for by either the bargaining agent or the employees. Votes or ballots authorized by agreed-upon procedures must be accompanied by a voter's driver license or state-authorized ID card. If parties are unable to agree on election procedures, either party may request the American Arbitration Association to conduct and certify the election. Finally, no election may be conducted in any bargaining unit in which a valid election has been held in the preceding 12 months.

SB 143 allows the presentation of recognition awards as part of a county employee benefit program at formal or informal ceremonies, banquets, receptions or lunches, but the cost of the ceremony must be expended from the county department or division's operating fund.

SB277 allows a municipal government to require certain information for the purpose of addressing public nuisances or dilapidated properties, including the contact information for those responsible for property maintenance or authorized to receive notice and service of process for properties. Information collected for these reasons is confidential and not subject to Open Records Act requirements.

HB 2506 modifies the definition of *dilapidated building* as it relates to condemnation procedures. The time a building must have been boarded and secured in order to be considered dilapidated is reduced from 18 months to six months.

SB 280 authorizes a county with an excise board to establish a rainy-day fund and capital reserve fund. Additionally, the measure establishes the manner in which these funds may be expended.

SB 335 provides a method for an unused burial space to be deemed abandoned and the right of ownership of the space to revert to the cemetery. A period of 75 years since the last recorded activity on the space must have passed and the cemetery must conduct a reasonable search for heirs and beneficiaries. If a person has a legitimate claim to a burial space that has been reclaimed and sold, that person can claim a space in an equivalent location in the cemetery.

SB 840 raises the cap under which a county purchasing agent may make purchases or enter into rental or lease agreements without following bidding procedures from \$15,000 to \$25,000.

HB 2402 allows any political subdivision which operates a public water supply system or wastewater treatment system to utilize a project delivery method for those systems in which a single entity works under a single contract to provide both design and construction services. The measure requires the Department of Environmental Quality to incorporate a flexible permitting process implementing this authorization into its rules, and to authorize up to five pilot projects in the interim before those rules are adopted.

Pensions and Retirement

SB 267 creates an exception to the post-retirement earnings limitations for certain retired teachers. For a period of three years beginning July 1, 2021, the measure allows retired teachers who have been receiving benefits for at least one year, and have not been employed by any public school during that period, to return to work as an active classroom teacher with no limitations on earnings.

HB 2293 provides that participating employers in the Teachers' Retirement System (TRS) are not required to pay the matching contribution for service performed by TRS members during a summer school program, if such service is part of a separate summer

school contract. *Summer school program* is defined as a program offering academic enrichments from pre-K to 12th grade and excludes services performed in an extended school year or by teachers with a 12-month contract.

SB 683 removes the requirement for full-time nonclassified optional personnel to be regularly employed for one year before joining TRS. The measure also allows nonclassified optional personnel regularly employed for 20 hours or more per week to join the system upon hiring. Such employees will have 30 days from their hire date to make a one-time, irrevocable decision to opt out of the system. Any nonclassified optional employee who has opted out will become a member of the system if they are hired for a classified position.

SB 745 adjusts limits of the annual retirement pay of certain Oklahoma Law Enforcement Retirement System (OLERS) members to no more than the salary limits outlined in the federal Economic Growth and Tax Relief Reconciliation Act of 2001. The change is required for OLERS to meet IRS compliance. No member receiving benefits who retired prior to July 1, 2002, will receive a benefit less than they were receiving as of June 30, 2002.

If an active member of the Oklahoma Police Pension and Retirement System (OPPRS) dies and does not leave a surviving beneficiary, **HB 2499** allows the member's contributions to the system to be paid to a trust, if properly designated by the member. Upon the death of a retired member with no surviving beneficiary, the benefit payment for the month in which the member dies may be paid to a trust if the payment has not already been made. The measure allows the same in the event of the death of a beneficiary and allows OPPRS to pay a death benefit to a trust.

HB 2458 allows the Uniform Retirement System for Justices and

Judges (URSJJ) and the Oklahoma Public Employees Retirement System (OPERS) to release tax information of a deceased member to a person acting in a fiduciary capacity on their behalf for the purpose of filing a tax return. Additionally, the measure provides that any actively participating member of URSJJ or OPERS whose first participating service occurred on or after July 1, 2013, and who works less than full-time but has had at least five years of full-time employment during the 10 years immediately preceding retirement is not eligible to have their final average compensation calculated on an annualized basis.

HB 2278, **HB 2457** and **SB 889** amend language regarding distributions under the Oklahoma Firefighters Pension and Retirement System (OFPRS), the OPPRS, and the Oklahoma Law Enforcement Retirement System (OLERS), respectively, to match recent revisions to the Internal Revenue Code and Treasury Regulations. For individuals who are 70 ½ years old after December 31, 2019, distributions required to be made after that date will take into account that age 70 ½ was stricken from the Code and replaced by age 72.

HB 2893 and **HB 2894** eliminate the second year of an insurance premium tax apportionment change created in 2020, restoring them to their original schedules. **HB 2893** adjusts apportionments to OPPRS, OFPRS, OLERS, and the Education Reform Revolving Fund, and **HB 2894** adjusts apportionments to the TRS Dedicated Revenue Revolving Fund and the Education Reform Revolving Fund.

HB 2824 allows designated public retirement systems that contribute towards a monthly health insurance subsidy for its retirees to submit those payments directly to a qualified benefits administrator.

Elections and Ethics

The Legislature worked to protect the voting process by passing legislation that authorizes membership in voter maintenance organizations, provides deadlines for taking deceased individuals off voting lists, and introduces a recount process for state questions in addition to ethics-related legislation. Legislators also expanded the in-person early voting window for state general elections by adding an extra day of in-person absentee voting.

HB 2663 requires requests for absentee ballots to be received by appropriate election officials by 5 p.m. on the third Monday before the election. The measure also expands the period in which voters may apply for in-person absentee ballots. The map on the following page shows early voting options in each state.

SB 959 modifies procedures for filling a vacancy in the United States Senate. If a vacancy occurs, the Governor has 30 days to appoint a person eligible to hold such office who has been a registered voter of the predecessor's party in Oklahoma for at least five years. The appointee must submit an oath to the Secretary of State affirming that they will not file as a candidate for the office when it next appears on the ballot. If the vacancy occurs outside of the regular U.S. Senate election cycle, a special election is required to fill the vacancy at the next regularly scheduled statewide election. The map on the following page illustrates each state's procedure to fill a Senate vacancy.

HB 2564 updates pricing for electronic and manual ballot recounts and creates a process and regulations for recounts on state questions. A manual recount costs \$600 per 3,000 ballots, or fraction thereof. An electronic recount costs \$600 for the first 3,000 ballots and \$300 for each additional 5,000 ballots, or fraction thereof. The Governor or Attorney General may also request a recount of any state question, by filing a petition with the Secretary of the State

Election Board (SEB) and providing a cashier's check or certified check for the expense. The Secretary of State, subject to adequate funding, is to order an automatic recount of any state question if the margin of votes required for approval is 0.5 percent or less of the total votes cast for a question involving a statutory issue. If the state question involves a constitutional issue, the automatic recount is to occur if the margin is within 1 percent of the total votes cast.

SB 947 requires initiative petitions to indicate if the proposed measure will have a fiscal impact on the state, and if so, indicate the potential source of funding or legislative appropriation which may require the imposition of a new tax, increase of an existing tax or elimination of existing services. The measure expands the word limit for a ballot title on an initiative petition to 300 words if the proposed measure has a fiscal impact on the state.

HB 1752 gives a county election board 30 days to remove a deceased person from the central registry and voter registration list after receiving notice of the resident's death from the SEB. The measure also requires an order appointing a guardian to set forth findings of fact as to whether the ward retains sufficient capacity to vote.

SB 710 provides that the Secretary of the SEB may join the State of Oklahoma as a member in one or more multistate voter list maintenance organizations. If the organization identifies unregistered eligible voters, the secretary may notify such citizens about voter registration. The measure also allows the SEB to use national change of address data if provided by the organization.

SB 712 allows the Secretary of the SEB to authorize the use of electronic precinct registries by county election boards and to purchase necessary equipment and software, subject to funding. The secretary is to promulgate necessary rules to implement, operate and maintain

electronic precinct registry security. Precinct registries, including electronic data, will be retained by the county election board for a period of 24 months following the election.

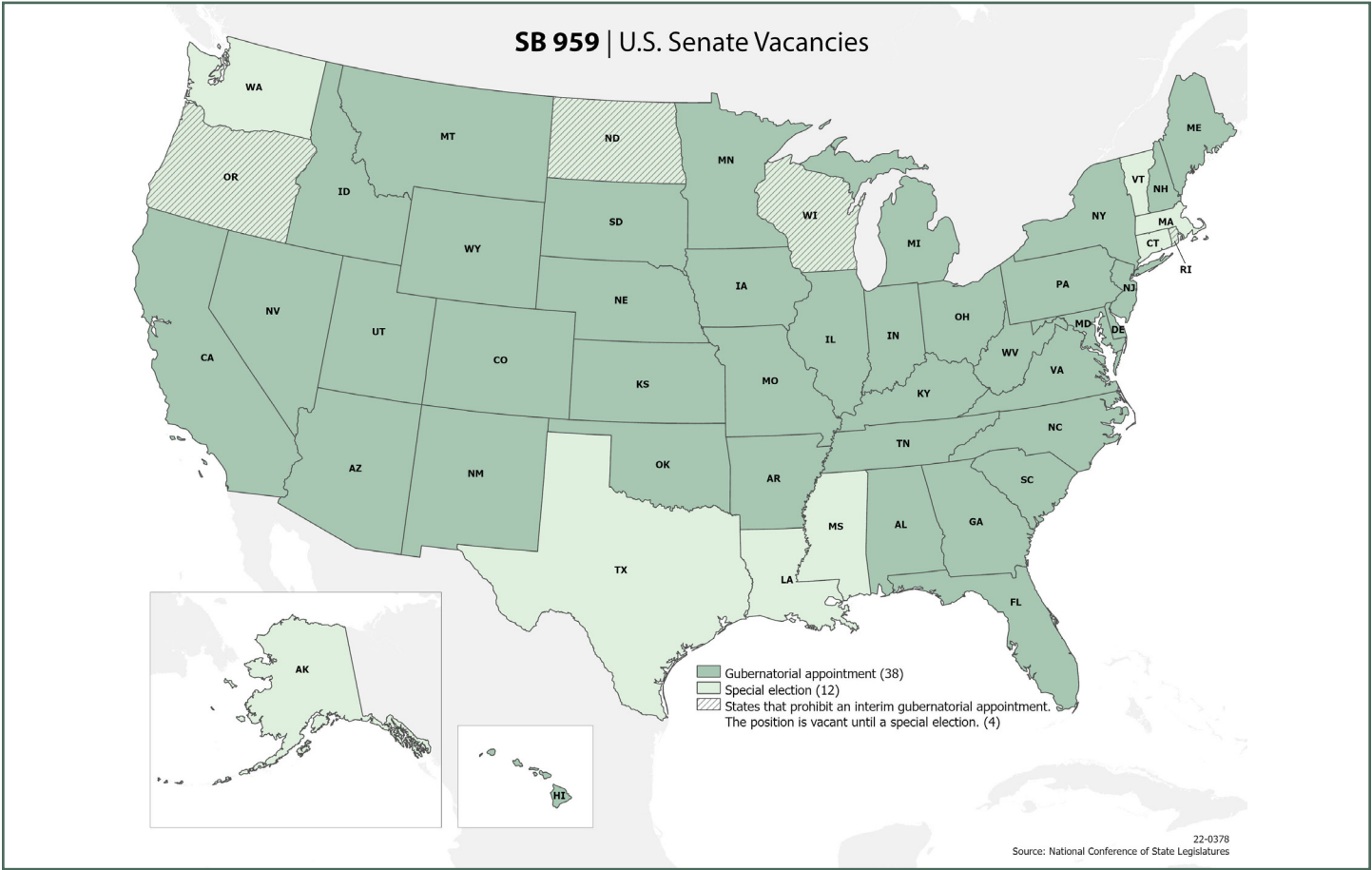
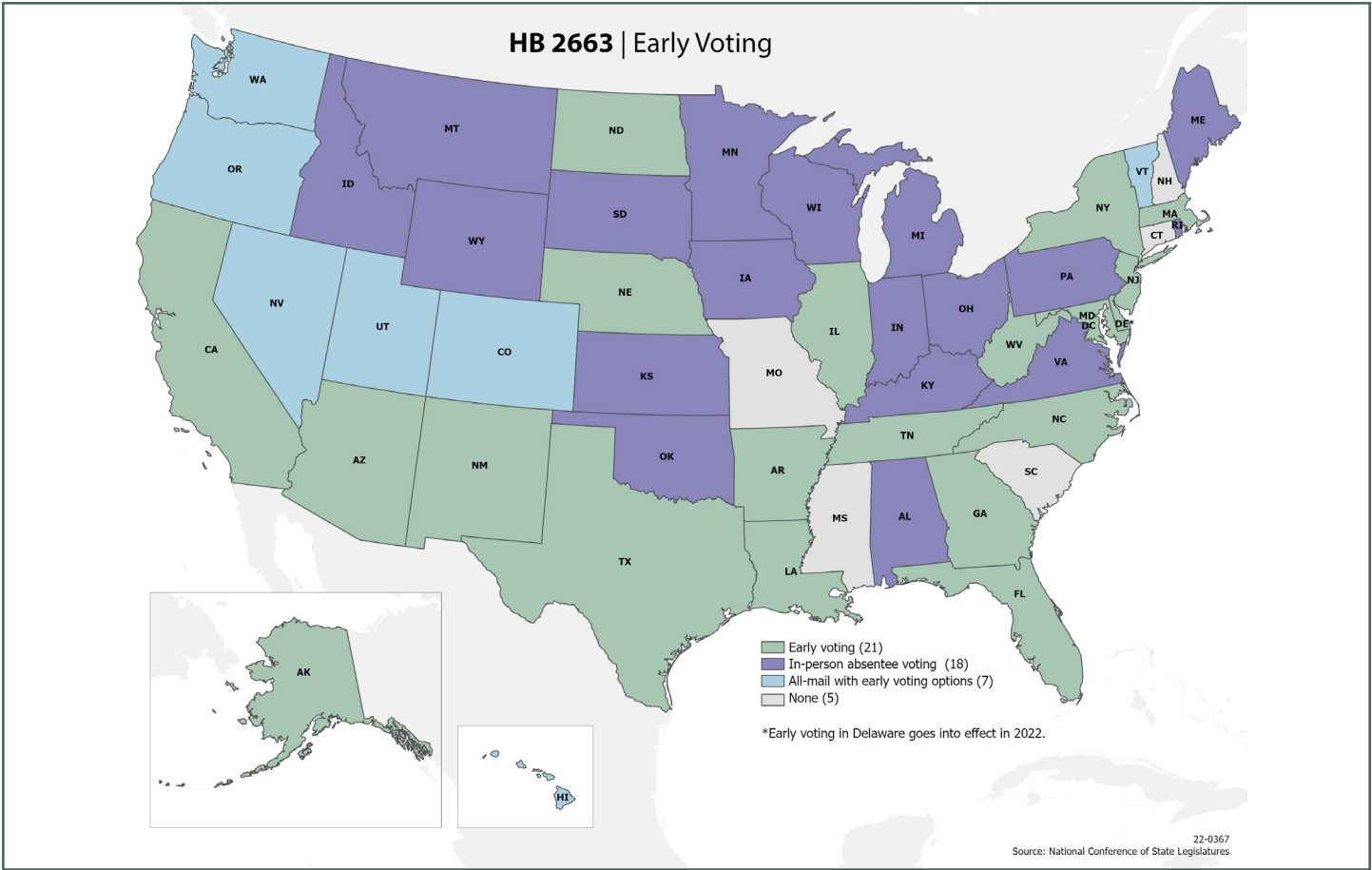
HB 2897 creates within the Ethics Commission the Ethics Commission Online Filing Revolving Fund. The fund is to receive the first \$200,000 of fees received by the commission each fiscal year and any monies appropriated by the Legislature. The fund is to be used to develop and maintain the commission's online filing system and for the payment of any fees or charges to other state agencies for information technology services.

SB 347 prohibits local entities from calling elections in December 2021, January 2022 or March 2022, in order to give the state and county election boards time to redraw and implement new precinct boundaries following the completion of congressional, legislative and county commissioner redistricting in 2021. The measure also allows special elections to be held during the second Tuesday of June of an odd-numbered year when there is a vacancy.

HB 1963 allows the Governor to appoint members to a board of education of a school district or technology center school district if vacancies occur which result in the loss of a majority of board members. The Governor is to appoint enough members for the board to reach a quorum. The appointment will be consistent with existing requirements and for the remainder of the term of office.

HB 2939 directs the secretary of the county election board to record a voter's voting method. The voter's method will not be disclosed to the public except during a regularly scheduled federal or state election or a statewide special election for a state question.

HB 2087 allows campaign funds to be used for contributions or dues for a political caucus fund, or costs



associated with signage for naming highways and bridges.

HB 2193 clarifies the definition of *municipal office* within the Municipal Campaign Finance and Financial Disclosure Act to mean any elective office established under state or municipal law.

States' Rights

Lawmakers examined and passed laws reiterating the role of the State under the 10th Amendment. Related measures protected Oklahoma religious freedom and established a role for the Attorney General in protecting states' rights.

HB 1236 authorizes the State Attorney General to monitor and evaluate whether actions by the federal government, including executive orders by the President, regulations promulgated by a federal agency, or acts of Congress, violate the 10th Amendment. The measure also creates a State Reserved Powers Protection Unit within the Office of the Attorney General to review the federal government's actions. If a review concludes infringement on the 10th Amendment, the Attorney General must determine whether the state should seek an exemption or seek to have the action declared unconstitutional.

The Legislature is also authorized to review federal executive orders, agency rules or legislative actions to determine constitutionality and whether the state should seek exemption or seek to have the federal action declared unconstitutional by a court of competent jurisdiction. Upon recommendation from the Legislature, the Attorney General will review the action to determine constitutionality. If the Attorney General declines to pursue action, the Legislature may, by majority vote, initiate an action to seek an exemption, or seek to have an action declared unconstitutional by a court. No government entity or other publicly funded organization

may implement, adopt or enforce any federal order or rule declared unconstitutional.

SB 368 modifies the Oklahoma Religious Freedom Act to prohibit any governmental entity from declaring or deeming a religious institution, as well as any activity directly related to the institution's mission, to be nonessential. The measure prohibits a religious institution from being subject to closure or restriction greater than that imposed on any private entity facing similar conditions.

Administrative Rules

The Legislature enhanced its ability to oversee agency decision making with the enactment of **SB 913**, which modifies the procedure for the approval of agency rules. The legislation creates the Joint Committee on Administrative Rules to consider proposed rules, amended rules and repeal requests submitted by an agency. Emergency rules must be sent to the chairs of the Joint Committee for review. The measure allows the Legislature to repeal an agency rule by joint resolution and removes the Governor's authority to repeal agency rules by declaration. Agencies exempted from the Administrative Procedures Act or pursuing a pre-emptive rule are directed to publish exempt rules on any website associated with the agency. Agencies are also directed to publish agency rules on their website. Additionally, the measure requires agencies to respond to small businesses requesting a review of their rules no later than 90 business days and to the Legislature or Governor within 30 days instead of the 90 days currently provided for in law. No agency may adopt or revoke any proposed rule or amendment if the agency receives express written disapproval from the Governor or the cabinet secretary within 30 days of providing notice of a rule change to the Governor and cabinet secretary. If the Governor or cabinet

secretary does not disapprove within 30 days, the agency may proceed with the rulemaking process. If the Governor disapproves the rule, the Governor must return the entire document to the agency and notice of the disapproval is to be given to the President Pro Tempore of the Senate, the Speaker of the House, and the chairs of the Joint Committee on Administrative Rules. Any rule not approved by the Governor will not become effective unless otherwise approved by the Legislature by joint resolution. Lastly, the measure creates a procedure for the expedited repeal of rules beginning September 1, 2021. An agency may submit a request for expedited repeal of a rule to the President Pro Tempore of the Senate and the Speaker of the House, whereupon they will assign the request to the Joint Committee to conduct the repeal process. The request must be accompanied by a statement of the purpose for the repeal. Upon completion of the comment period, the Joint Committee may schedule a hearing on the agency repeal request. If the Committee approves the repeal, it is to be presented to the Legislature for final approval.

HB 2965 extends the sunset date of the following entities to 2024 in accordance with the Oklahoma Sunset Law:

- Advisory Committee on Orthotics and Prosthetics;
- Advisory Committee on Podorthics;
- Board of Examiners for Speech-Language Pathology and Audiology;
- Board of Podiatric Medical Examiners;
- Oklahoma Energy Resources Board;
- Oklahoma Partnership for School Readiness Board;
- Oklahoma Real Estate Commission;

- Oklahoma State Athletic Commission;
- State Board of Cosmetology and Barbering;
- State Board of Examiners of Perfusionists; and
- State Capitol Preservation Commission.

HJR 1046 is the omnibus administrative rule approval and

disapproval measure. The measure approves all rules promulgated on or before April 1, 2021, by the various agencies except:

- OAC 725:30-4-4 by the Oklahoma Tourism Department relating to weapons in state parks;
- OAC 365:25-29-8 by the Oklahoma Insurance Department;

- OAC 210:15-3-173 by the Oklahoma State Department of Education; and
- OAC 800:10-1-4, 800:10-1-7, 800:15-1-1, 800:15-1-2, 800:15-1-3, 800:15-1-4, 800:15-1-5, 800:15-3-1, 800:15-3-2, 800:15-3-3, 800:15-3-4, 800:15-3-5, 800:15-5-1, 800:15-5-2, 800:15-5-3, and 800:15-5-4 by the Oklahoma Department of Wildlife Conservation. ●



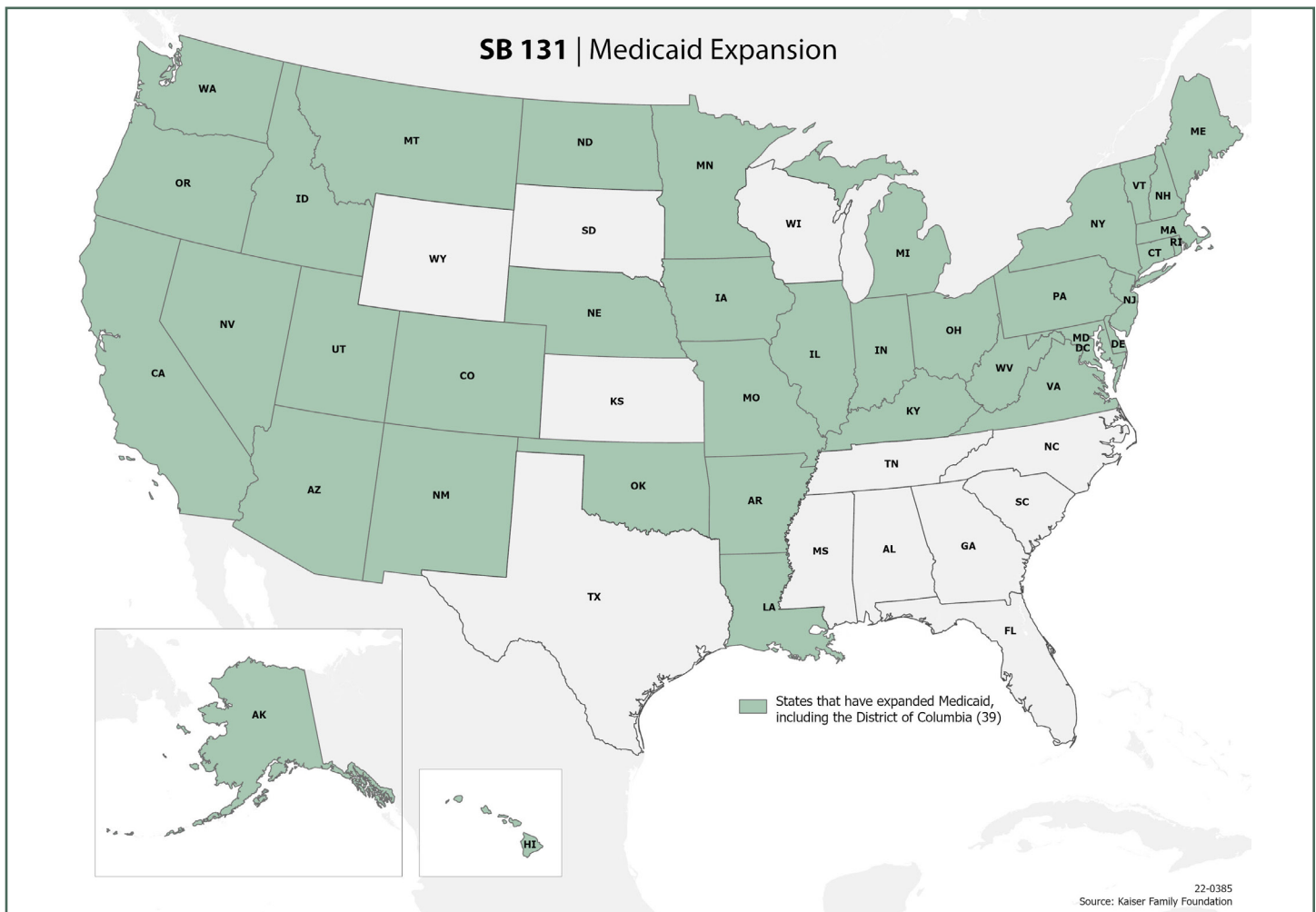
Health and Human Services

Health

Medicaid expansion has been a contentious subject within the Legislature ever since State Question 802 passed in 2020, expanding Medicaid in the state of Oklahoma. In the U.S., 39 states have expanded Medicaid (see map below). To implement the expansion, the Governor proposed a third-

party managed care plan that would contract with private insurance companies. An alternative plan would have given the Oklahoma Health Care Authority (OHCA) total control to oversee and implement an internal managed care program. The Legislature compromised with **SB 131**, which creates the Ensuring Access to Medicaid Act, a regulatory framework that gives the Legislature

oversight around the Governor's third-party managed care program. The measure puts the contracts between OHCA and the insurance companies into statute. On June 1, 2021 the Oklahoma Supreme Court ruled that OHCA does not have the authority to implement a managed care plan for the state's Medicaid system. This decision has left uncertainty on the roll out of



the Governor's managed care model, which is scheduled to take effect on October 1, 2021.

SB 164 allows a licensed medical doctor who holds clinical privileges at an accredited health care institution that conducts human subject research to treat an incapacitated minor for an experimental treatment if the doctor receives informed consent from a parent or legal guardian. The measure allows the use of an experimental procedure on an incapacitated person during a life-threatening emergency without consent if the experimental procedure has been approved by an accredited institutional review board and has been found and documented that the requirements for emergency research have been satisfied.

HB 2687 creates the No Patient Left Alone Act. The measure provides that each minor or adult admitted to a hospital has the right to have a parent or legal guardian be present while the minor patient is receiving hospital care. Additionally, any adult who is admitted to a hospital in Oklahoma has the right to designate a spouse, family member or caregiver be physically present while the adult patient is receiving hospital care. The measure authorizes hospitals to establish visitation policies that limit or restrict visitation under certain circumstances. Hospitals may require visitors to wear personal protective equipment, provided that any such required equipment will be provided by the hospital. The measure also prohibits hospitals, the State Department of Health (OSDH), or any governmental entity from terminating visitation rights, notwithstanding declarations of emergency declared by the Governor or the Legislature.

SB 960 extends the age at which a child may be relinquished to medical services providers or child rescuers from 7 days to 30 days of age. Such relinquishments are to be considered an affirmative defense in child abandonment cases. The measure provides for such relinquishments to be effectuated by an in-person

transfer of the child to the medical services provider or child rescuer or by leaving the child in a newborn safety device that meets certain criteria. Medical service providers or child rescuers that install such a device will be responsible for the cost of installation and are also responsible for installing a dual alarm system connected to the physical location of the newborn safety device that meets certain conditions. The measure also directs OSDH to award grants to organizations that provide healthcare services to mothers and infants for the purpose of reducing the rates of maternal mortality and infant mortality by 3 percent within the five years of the measure's effective date. No grants will be awarded to organizations that provide abortion services.

SB 378 creates Everett's Law, which prohibits any covered entity of health care services from considering any individual ineligible to receive an anatomical gift solely on the basis of an individual's disability. The measure allows the covered entity to take the individual's disability into account when making treatment or coverage recommendations when the disability has been evaluated by a physician or surgeon and the disability has been determined to be medically significant. The measure prohibits covered entities from considering an individual's inability to independently comply with post-transplant medical requirements to be medically significant if the individual has the necessary support system to assist them with compliance of post-transplant requirements. Covered entities violating provisions of this act are subject to civil action and other equitable relief from affected individuals. The measure prohibits a health carrier from denying coverage, penalizing, or reducing reimbursement, or limiting coverage benefits solely based on the person's disability.

SB 136 requires OSDH to submit a report on breast cancer-related issues every five years instead of annually.

HB 1246 would allow an individual's Social Security number to be sufficient documentation when securing a prescription that requires state-issued identification, if the individual's state-issued identification card has been expired for less than one year and they have no other form of identification that complies with the requirements.

HB 1014 provides that all information created or maintained by OSDH concerning any person who has participated in a public health investigation is exempt from the provisions of the Oklahoma Open Records Act. The measure also transfers the responsibility of removing any school student with a communicable disease from teachers to schools.

HB 1638 prohibits knowingly providing false personal data to a certifier of a death certificate and knowingly misrepresenting any person's relationship to the deceased. Funeral directors are required to notify persons providing personal data for a death certificate that knowingly misrepresenting information is a felony.

HB 1690 removes the requirement that the board of directors of a Federally Qualified Health Center be considered a public body and subject to the provisions of the Oklahoma Open Meeting Act. The measure removes penalties and reporting requirements for non-compliance with the Oklahoma Open Meeting Act. The measure requires OHCA to ensure that Federally Qualified Health Centers receive at minimum, payment for services in accordance with U.S. law.

HB 2009 authorizes an advanced practice registered nurse to sign a death certificate. The measure clarifies how *suicide* is recorded as the manner of death on a death certificate.

HB 1772 transfers the authority of promulgating certain standards and rules relating to food establishment licenses from the State Board of

Health to the State Commissioner of Health. The measure requires the State Commissioner of Health to provide a multi-seasonal license for snow cone stands that sell hot beverages in addition to snow cones. Snow cone stands that do not sell hot beverages will be classified as a seasonal food establishment.

HB 1032 renames the Homemade Bakery Act of 2013 to the Homemade Food Freedom Act, and increases, from \$20,000 to \$75,000, the gross annual sales a business can have and still qualify as a “home food establishment.” The measure lists new requirements that homemade food products must meet in order to be exempt from licensing requirements. Nothing in the Homemade Food Freedom Act will hinder OSDH’s investigations of reported foodborne illnesses, nor will it hinder the sale of homemade food products in compliance with the law.

HB 2028 requires a structure excavator with knowledge of unmarked hydrocarbon and hazardous liquid underground to postpone excavating until the area is properly marked and notice has been given. The measure further updates the requirements for markings, notifications and requirements for excavations during any state of emergency.

SB 96 authorizes patients to access information pertaining to their medical bills from doctors, hospitals, or other medical institutions. The measure also modifies the fee structure for attorneys or insurance companies that request copies of medical records and bills.

SB 95 requires the medical examiner to conduct a sudden unexplained infant death investigation (SUIDI) when the death of an infant occurs in this state and the cause of death is considered undetermined. The investigation must happen within 48 hours after the death has occurred. The medical examiner or medical examiner investigator is required to interview the parent, legal guardian,

or caregiver of, or person who last had contact with, the deceased infant and will fill out the Centers for Disease Control and Prevention’s SUIDI reporting form. OSDH is required to retain a copy of the completed SUIDI reporting form and to provide a copy to the Child Death Review Board.

SB 405 clarifies the appointment procedure and terms of members on the Advisory Committee on Midwifery. The measure authorizes the Advisory Committee on Midwifery to investigate all reported violations of Shepherd’s Law and requires all information obtained during investigations to be kept confidential. Such record can be introduced by OSDH in proceedings before the committee. The measure also prohibits confidential investigative records to be subject to discovery or subpoena in any civil or criminal proceeding unless the committee decides to give such information to law enforcement or other state agencies as necessary and appropriate. Additionally, the measure prohibits any data required to be submitted to OSDH pursuant to Shepherd’s Law to contain any personally identifying information of the client by the midwife and it considers the records to be confidential and collected for statistical information purposes only.

SB 49 modifies fees related to chiropractic licensing and allows a jurisprudence examination from the National Board of Chiropractic Examiners to satisfy licensing requirements for chiropractors who are transferring to Oklahoma from out of state.

SB 100 allows a person to apply online to take the podiatric medicine licensing exam, and removes the requirement that applicants be free from contagious or infectious disease.

SB 207 provides for administrative judges to consider appeals by any applicant or recipient of benefits provided by OHCA. The measure requires the administrator of the authority to only appoint administrative judges from another

state agency as established in the State Medicaid Plan and approved by the Centers for Medicare and Medicaid Services.

SB 344 removes the State Board of Health’s involvement with tumor registry. The measure exempts ambulatory surgical centers that are not certified by the Centers for Medicare and Medicaid Services from the requirement to submit data and information relating to tumors to the Commissioner of Health.

SB 345 modifies the distribution method for award payments from the Oklahoma Dental Loan Repayment Program. It specifies that each award must be deposited to an appropriate loan agency.

SB 406 removes Oklahoma Children’s Hospital’s designation as an institution for physically handicapped children, and designates it as a service institution for persons under 21 years old. The measure transfers authority over the Children’s Hospital to the University Hospitals Authority and updates the statutory definition of *University Hospital*.

SB 408 makes multiple changes to the State Dental Act. The measure:

- Authorizes dentists to administer vaccines;
- Authorizes the Board of Dentistry to affiliate with the Commission on Dental Competency Assessments;
- Authorizes the Board of Dentistry to modify examination requirements and licensure requirements during a pandemic or state or federal disaster, or other man-made disaster;
- Requires dentists to meet board certification requirements before they can refer to themselves as a specialist;
- Updates continuing education requirements for oral maxillofacial surgery assistants, dentists and dental hygienists;

- Requires dentists to maintain records of any medications prescribed or administered to a patient;
- Adds violations for which a dental hygienist could be placed on probation; and
- Adds a definition of “teledentistry” and authorizes dentists to use it.

SB 434 creates the I/T/U Shared Savings Program for the purpose of maximizing and directing the reinvestment of any savings generated by enhanced federal matching authorized under Section 1905(b) of the Social Security Act to OHCA. The Authority must distribute up to 50 percent of any savings that result from the I/T/U Shared Savings Program to participating I/T/U facilities that have complied with the terms of this act and applicable federal law, but only after administrative costs incurred by the Authority in implementing the I/T/U Shared Savings Program have been fully satisfied. Distributions to participating I/T/U facilities must be used to increase care coordination and to support health care initiatives for AI/AN populations.

SB 574 directs OHCA to establish a health information exchange certification with input from stakeholders. Certification will be required for a health information exchange organization to qualify as an Oklahoma Statewide Health Information Exchange (OKHIE). Individuals and entities using the OKHIE system will not be held liable for any action for damages or costs of any nature that result solely from the person’s use of information or data. The measure also specifies that users providing data to the network will retain the ownership rights.

SB 689 modifies the membership requirements for the Advisory Committee on Medical Care for Public Assistance Recipients. The measure caps the total membership to fifteen members and requires the board to include a member representing

individuals with developmental disabilities, a member representing nursing homes, and a member representing one or more behavioral health professions. Additionally, the Committee must include the Commissioner of Mental Health and Substance Abuse Services or a designee as well as a member of a federally recognized American Indian tribe.

SB 718 authorizes facilities without a pharmacy license to distribute or dispense dialysate or peritoneal dialysis devices necessary to perform home peritoneal dialysis to patients with end-stage renal disease (ESRD) provided certain conditions are met.

SB 736 allows multiple county boards of health, comprising a health district, to operate under agreement and share resources. In order to enhance access to health initiatives and maximize operational impact, counties may combine millages in a manner designating one county as the operational hub. However, the millage provided by each county must be expended for the county of origin.

SB 1045 modifies the definitions and calculations related to the Supplemental Hospital Offset Payment Program (SHOPP) fees in order to make them compatible with Medicaid expansion.

SB 1083 sunsets provisions of law relating to the Oklahoma Capitol Improvement Authority issuing notes, bonds, or other evidences of obligation for the construction of the State Health Laboratory on July 1, 2025, if the Authority has failed to issue such evidences of obligation by the sunset date.

HB 2680 allows optometrists to dispense medications to treat ocular abnormalities. Previously, optometrists had broad authorization to dispense drugs.

HB 1006 creates the Transparency in Health Care Prices Act, which requires health care providers and facilities to make the prices for their most common health care services

and related descriptions available to the public, either electronically or via their website. Health care facilities are also required to make common diagnosis and outpatient Current Procedural Terminology codes public. This measure prohibits the review of health care prices by any agency and interference in contracts between private parties.

SB 647 requires birthing centers and medical facilities to maintain a written policy for the disposition of the remains of a child from a stillbirth or fetal death event and notify the parents of their right to direct the disposition of the remains. A disposition may be made if no direction is given by a parent within 14 days of delivery.

Abortion

Several bills were introduced this session to restrict access to abortion services. The U.S. Supreme Court agreed to hear a challenge to a Mississippi law that would ban most abortions after 15 weeks of pregnancy. The decision could weaken or overturn the landmark decision of *Roe v. Wade*, triggering **SB 918**, which repeals several sections of statute relating to the performance of abortions. The measure will also prohibit abortion if the Attorney General certifies that the U.S. Supreme Court has overruled the central holding of *Roe v. Wade*, or an amendment to the U.S. Constitution is adopted that restores the state’s authority to prohibit abortion.

HB 1904 requires persons performing abortions to be board-certified in obstetrics and gynecology.

HB 1102 modifies the definition of *unprofessional conduct* regarding physician licensure to include the performance of an abortion unless the procedure is performed to prevent the death or significant physical impairment of the person seeking the abortion. An abortion may not be performed based solely on the mental or emotional health of the pregnant

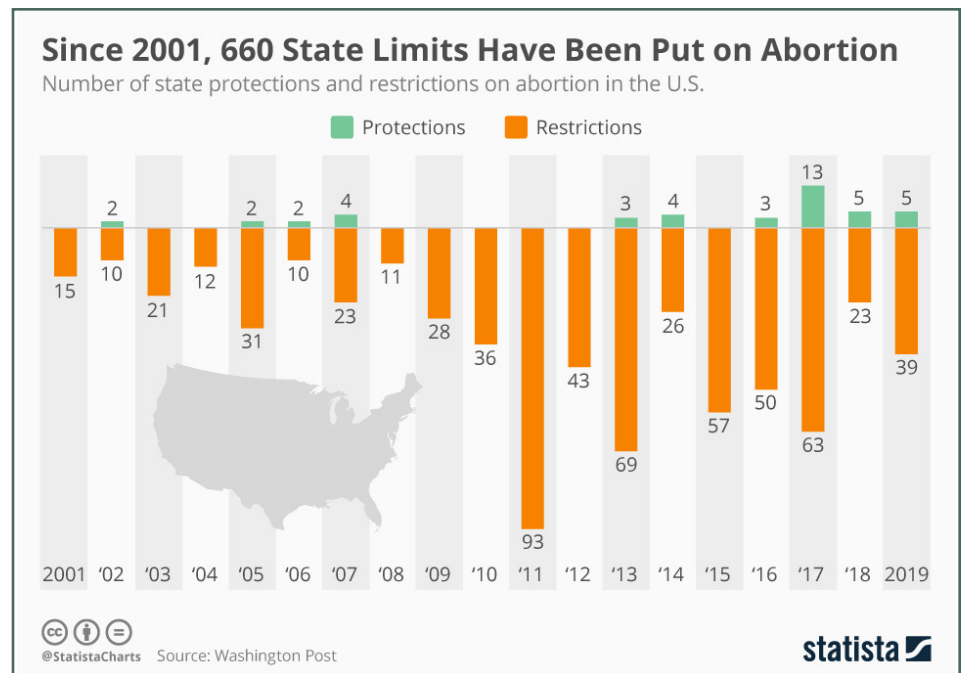
person, notwithstanding a claim or diagnosis that the person may engage in conduct which they intend to result in their death. Any physician who violates these provisions will have their license suspended for at least one year.

SB 584 prohibits providers from receiving reimbursement through Medicaid or any other federal or state program or funding from any political subdivision if they have been found guilty of trafficking fetal body parts.

HB 2441 requires persons performing an abortion to first detect whether the unborn child has a heartbeat. Upon detecting a heartbeat, an abortion may not be performed unless the abortion is necessary to save the pregnant person's life or protect them from irreversible physical impairment.

SB 778 creates the Oklahoma Abortion-Inducing Drug Risk Protocol Act, which requires physicians to follow certain procedures prior to administering an abortion-inducing drug. Confidentiality of each patient must be maintained. Physicians will report any adverse health event relating to the administration of an abortion-inducing drug to the Department of Health. No abortion-inducing drug may be provided on state property. Violations may result in a misdemeanor or felony. Persons found to have violated the provisions of this measure will be subject to professional and civil penalties.

SB 779 creates the Oklahoma Abortion-Inducing Drug Certification Program Act, which directs the State Board of Pharmacy, the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners to collectively regulate abortion-inducing drugs and create a certification program for abortion-inducing drugs. The measure prohibits abortion-inducing drugs to be provided through the mail or telemedicine.



Mental Health

Part of criminal justice reform includes addressing individual mental health issues before applying the penalty of law enforcement in certain instances. **SB 87** provides that a person in possession of a controlled dangerous substance who appears to be in need of help and consents to the offered help may, in lieu of arrest, be taken to an approved treatment center or an approved center for substance abuse evaluation by a law enforcement officer. The measure provides that any program established for this purpose must be created with the advice and consent of the county's district attorney and approved annually.

HB 1071 exempts services provided by a health center as defined in the Public Health Service Act from the Oklahoma Alcohol and Drug Abuse Services Act.

HB 2006 requires the Board of Mental Health and Substance Abuse Services to promulgate rules and standards for certification of Problem Gambling Treatment Counselors. Counselors certified as such may only use the title Problem Gambling Treatment Counselor if they meet certain criteria. Failure to

comply with the rules is grounds for disciplinary action.

HB 2770 requires states that are appealing any rulings of the Psychology Interjurisdictional Compact Commission to do so in the U.S. District Court for the State of Georgia. Formerly appeals were brought to the U.S. District Court of Oklahoma.

SB 187 removes the Norman Alcohol and Drug Treatment Center and the Bill Willis Community Mental Health Center from the list of facilities that the Department of Mental Health and Substance Abuse Services maintains. The Oklahoma Crisis Recovery Unit is added to the list.

SB 1051 repealed a 2010 law allowing \$6 million worth of bonds for the construction of a facility for use by the Department of Mental Health and Substance Abuse Services.

Pharmacy

SB 398 authorizes pharmacists to administer immunizations that have been approved or authorized by the Food and Drug Administration (FDA) without a patient-specific prescription, standing order or similar arrangement.

SB 4 authorizes a pharmacist to substitute an interchangeable biological product for a prescribed biological product if the substituted product is determined by the FDA to be interchangeable, the prescribing health care provider has not expressed a preference against substitution and the pharmacy informs the patient of the substitution.

HB 2123 creates the Patient's Right to Pharmacy Choice Commission to oversee and regulate pharmacy benefits managers (PBMs). The commission is to enforce the Patient's Right to Pharmacy Choice Act and the Pharmacy Audit Integrity Act and carry out any other duties assigned by the Insurance Commissioner. The commission is authorized to impose civil penalties and fines against PBMs.

SB 58 exempts practitioners who order a controlled dangerous substance to be administered through a hospice program from electronic prescription requirements.

HB 2676 allows a practitioner to prescribe a controlled dangerous substance without an electronic prescription if the substance is to be consumed within 72 hours or if an electronic prescription cannot be issued in a timely manner for a patient at risk. The measure also allows electronic prescriptions to be utilized for compounded prescriptions, compounded infusion prescriptions and prescriptions issued under approved research protocols. Additionally, the measure requires practitioners who issue electronic prescriptions or their employers to purchase official prescription forms from a list of vendors approved by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBND).

SB 392 requires health insurers to pay or reimburse licensed pharmacists for services provided to an individual if the pharmacist is licensed to practice such services and the individual's health benefit

policy provides for payment or reimbursement of the service.

SB 782 directs any pharmacy maintaining drugs in an emergency medication kit for a nursing home or assisted living center to establish procedures governing the maintenance and dispensation of such drugs. The measure also authorizes pharmacies to designate a person to be responsible for transmitting required information for dispensation of controlled dangerous substances to the central repository of OBND. Pharmacies are required to register the emergency medication kit as a pharmacy location with the bureau and comply with the requirements for controlled dangerous substances. The total volume of each controlled dangerous substance in each kit is limited to three doses per licensed bed or 60 individual doses.

HB 2677 makes several modifications to the Pharmacy Audit Integrity Act, including:

- Requiring appeal procedures to be specifically described in a contract between a pharmacy and the entity conducting the audit;
- Requiring the auditing entity to give the required written notice by certified letter;
- Providing a minimum of 30 days written notice before a wholesale purchase audit;
- Clarifying that certain errors are not to be considered fraud;
- Prohibiting including the invoice cost of prescriptions dispensed in certain findings;
- Clarifying that each pharmacy audit is to be conducted under identical standards, regularity and parameters as similarly situated pharmacies;
- Not requiring pharmacists to open "for single-patient-use only" packaging;

- Not requiring a full dispensing report in a wholesale purchase review;
- Specifying events that are not to be considered audit discrepancies;
- Requiring, within five days of a request, submission of all supporting documents to the health benefits plan issuer or pharmacy benefits manager;
- Restricting the audit to no more than 50 prescriptions per calendar year, down from 75;
- Requiring final audit findings to be delivered within 10 days, down from 120; and
- Allowing a pharmacy to reverse and resubmit claims within 30 days of receipt of the final audit report.

Telehealth

The COVID-19 pandemic changed the landscape of health care in many ways. It revealed the significant importance of telehealth as in-person doctor visits were consequently restricted. Several bills addressed telehealth, such as **SB 674**, which requires every health benefit plan offered in the state to provide coverage of telemedicine. No insurer may exclude a service for coverage solely because the service is provided through telemedicine and is not provided through in-person consultation or contact between a health care professional and a patient for services.

SB 673 defines *telemedicine* as technology-enabled health and care management and delivery systems that extend capacity and access. The definition includes synchronous mechanisms, asynchronous mechanisms, remote patient monitoring, and other electronic means that support health professionals.

HB 2877 authorizes sheriffs and peace officers to utilize telemedicine

to assess a person whom the officer reasonably believes needs treatment by a mental health professional. Additionally, the measure requires officers to transport such individuals in need of treatment or subject to an emergency detention or protective custody order to the nearest facility within a 30-mile radius of the officer's operational headquarters.

SB 848 directs the Department of Mental Health and Substance Abuse Services to contract with public and private entities located in Oklahoma to provide peer support crisis intervention, counseling and wellness for law enforcement, firefighter, emergency medical and corrections communities impacted by trauma, cumulative stress, anxiety, addictions, death and suicide.

SB 3 authorizes sheriffs and peace officers to utilize telemedicine to assess a person the officer reasonably believes needs treatment by a mental health professional. Additionally, the measure requires officers to transport such individuals in need of treatment or subject to an emergency detention or protective custody order to the nearest facility within a 30-mile radius. The law enforcement agency that transported an individual to an urgent recovery clinic is responsible for any subsequent transportation of the individual pending completion of the initial assessment, emergency detention, protective custody, or inpatient services. If no such facility is available, transportation to a facility must be completed by either the Department of Mental Health and Substance Abuse Services (ODMHSAS) or an entity contracted by the department for alternative transportation.

SB 104 authorizes physical therapy sessions to be provided in person or remotely via telehealth to individuals or groups.

SB 1047 provides that \$1.5 million appropriated to ODMHSAS in the general appropriations bill will be used to supplement program growth. The department is directed to increase the

number of crisis intervention training sessions offered to law enforcement. Additionally, the measure apportions the appropriations made to the department in the following manner:

- \$500,000 to carry out the provisions of SB 848;
- \$2 million to carry out the provisions of HB 2877;
- \$2 million to expand connectivity programs between law enforcement officers, mental health providers and Oklahomans in a mental health crisis;
- \$7.5 million to expand the number of mental health crisis centers and urgent care centers;
- \$2.9 million for additional mobile crisis teams to respond and diffuse crisis situations in communities; and
- \$500,000 to maintain five pilot programs to provide offenders incarcerated in county jails in the State of Oklahoma access to United States Food and Drug Administration-approved, evidence-based, medication-assisted treatment for opioid and alcohol dependence.

Children and Families

The Legislature protected the interests of children and families by passing several laws that amend several child-centered processes. Legislation in 2021 focused on protecting children from abuse and neglect, services to establish independence, guardianship, the treatment of children in the criminal justice system and securing support services for children.

HB 2899 provides that applications for Home and Community Based Medicaid Waiver Services for the Community Waiver, In-Home Supports Waiver for Adults, and In-Home Supports Waiver for Children operated by the Department of

Human Services (DHS) cannot be made until the applicant has been an Oklahoma resident for five years prior to the application date. The measure directs DHS to promulgate rules necessary for implementation and administration.

HB 1709 changes a qualification for continuation of successful adulthood services. The services may continue until 21 years of age provided the individual is in the custody of DHS or a federally recognized Indian tribe and in an out-of-home placement at the time of their 16th birthday. Current law stipulates that this must occur at the time of their 18th birthday.

HB 2367 provides that a child 16 years or older may enter into a contract to obtain housing if they receive a certification of unaccompanied status from a youth services provider with DHS or ODMHSAS. The certification must show that the child is determined to be homeless or a victim of domestic violence or abuse. The provider is required to notify the parent or guardian that the child is seeking unaccompanied child status, unless the provider is unable to identify the whereabouts of the parent or guardian. Certification of this status does not discharge the parent or guardian or parental or legal authority.

HB 1797 makes it unlawful for an individual responsible for a child's health, safety or welfare who is the perpetrator of a substantiated finding by DHS of heinous or shocking abuse to work with children or reside in a child care facility. The measure also prohibits employers who provide services to children from willfully and knowingly employing or contracting with such an individual or allow continued contracting

HB 2899

DHS has decided not to enforce the five-year residency requirement at the determination by the U.S. Department of Health and Human Services that the requirement is unconstitutional.

or employment. This measure also states that if the department determines a substantiated finding of heinous and shocking abuse by a person responsible for a child, the department must notify the child care facility owner and the child care resource and referral agency in writing within one business day after the finding. The facility must also notify parents or guardian of children attending the facility within 72 hours of the finding by certified mail.

HB 2318 includes any findings of or failing to protect any child from heinous or shocking abuse or neglect as legal grounds for the termination of parental rights.

HB 2565 establishes that evidence of material, educational or cultural disadvantage compared to other children is not sufficient grounds for deprivation as defined in the Oklahoma Children's Code. The measure also modifies the definition of *neglect* in the Oklahoma Children's Code to clarify that neglect does not include permitting a child who is of sufficient age and maturity to avoid harm or unreasonable risk of harm to engage in independent activities. The definition of *neglect* is also modified to include a failure or omission to provide supervision or appropriate caretakers to protect the child from harm or threatened harm or special care made necessary for the child's health or safety.

SB 987 specifies that a child abuse or neglect investigation or assessment may include an interview using established protocols and procedures conducted by appropriate personnel. The court may order that the child be transported to a court-approved location for the interview or examination by an appropriate person and the court will consider safety protocols based on the child's gender when making this determination.

HB 1085 allows a court to waive the requirement for a child abuse and neglect information system check in the case of an emergency placement if it cannot be conducted in a reasonable

amount of time and the court decides waiving the requirement is in the minor's best interest.

SB 27 directs DHS to forward fingerprints of the members of an emergency placement household to the Oklahoma State Bureau of Investigation (OSBI) after the results of the preliminary Federal Bureau of Investigation name-based records check are received. In the event a person in the placement home does not submit to a fingerprint-based criminal records check within five business days immediately after emergency placement of the child, the child is to be immediately removed from the emergency placement home.

HB 2352 allows the Director of DHS and the Executive Director of the Office of Juvenile Affairs (OJA) to enter into agreements on behalf of the state with Oklahoma Indian tribes regarding jurisdiction over child custody proceedings. The measure requires all agreements executed prior to enactment to be in conformity with the Federal Indian Child Welfare Act and requires any agreement to be enforceable in any filed or pending case at the time that an agreement is formalized between the State and an Indian tribe. The bill also removes the requirement in the petition for adoption that the Administrative Director of the Courts develop a form used to collect adoption-related data.

SB 340 removes the requirement that a prospective adoptive parent or other adult household member sign a release of information for any search results and removes the requirement that OSBI and DHS forward information to entities authorized to conduct a home study investigation.

HB 1902 permits the monitor of a child in a DHS safety plan to authorize necessary medical or dental treatment or examinations for the child if the parent is unavailable.

SB 421 modifies the guidelines on how child support is determined and allows the court to consider other factors to impute income when

evidence of current average income of a parent is unavailable or not the most equitable. The measure also creates a rebuttable presumption, effective November 1, 2021, that any obligator who is incarcerated for more than 180 consecutive days is unable to pay child support, resulting in abatement of monthly child support obligations until 90 calendar days after release from incarceration. The abatement period does not release the obligator of any past-due support that had accrued prior to incarceration. The measure also requires veteran disability compensation benefits received by a child to be treated as income to the parent on whose account the benefit of the child is drawn and applied against the support obligation order to be paid by that parent.

SB 134 adds the requirement that a schedule of basic child support obligations must be reviewed by the Judiciary Committees of the Senate and House of Representatives every four years. In conducting the review, the judiciary committees are to obtain economic data, provide opportunity for public input, and publish information related to the review on the official Senate and House of Representatives websites.

HB 1151 gives courts the option to consider evidence of the ability of parents to cooperate on issues related to their children in the child custody hearing process in addition to evidence of harassment, domestic violence, and stalking. The court will issue findings and conclusion of law to support its decision after a final hearing on the merits.

SB 208 modifies procedures related to declaring the father on a birth certificate to include the husband's name on the birth certificate if married at the time of birth or married any time during the 300 days before the birth. Otherwise, the name of the father will be entered if both the mother and father have signed an acknowledgement of paternity. The State Commissioner of Health will authorize the secure electronic

transmission of information necessary to comply with the Uniform Parentage Act or for the purpose of assisting with DHS programs. For implementation, DHS and the State Department of Health will enter into a data sharing agreement. This measure also transfers the oversight of birth certificate matters from the State Board of Health to the commissioner. If a child is born out of wedlock, the commissioner will amend the birth certificate to show paternity and change the child's surname upon receipt of an electronic record from DHS indicating an acknowledgement of paternity has been signed by both parents.

HB 2317 establishes a grievance process for children detained in an adult facility, administered by the Oklahoma Commission on Children and Youth. Grievances may be filed by either the child or a person responsible for their health and welfare and directed to the Commission's Office of Juvenile System Oversight (OJSO) for investigation, resolution and referrals, if appropriate. OJSO must notify the OJA compliance monitor when a grievance is received, and DHS must be notified if it concerns a child in their custody. Each facility in which children are held must make grievance policies and procedures available upon public request and make resources readily accessible to children in the facility, as well as explain the policies upon intake. These provisions do not apply to children housed in a Department of Corrections (DOC) facility or housed under a contract with the DOC.

HB 2312 modifies the competency evaluation process to include youthful offender proceedings in addition to delinquency proceedings. A copy of the child's petition or information must be presented to the court. The bill modifies who may file a motion for determination of competency to state that the district attorney or the child's attorney must file this motion under a reasonable basis. At any time prior to or during proceedings, OJA

may file a Motion to Intervene to raise issues of competency.

HB 1992 states that OJA will provide a report to the House, Senate and Governor on the feasibility of entering into a contract for, or operating any level of, group homes at the Southwest Oklahoma Juvenile Center no later than October 1, 2021.

Guardian and Ward

The Legislature expanded guidance on the rights of guardians and wards by introducing new rules and procedures, such as the enactment of **HB 1086**, which allows a guardian to petition a court to transfer or convey ward-owned property that is or may be deemed an available resource into a protective arrangement. The guardian must file a verified petition setting forth what specific property may be deemed a resource, including an affirmative statement that the resource could affect the ward's receipt of public benefits if not entered into a protective arrangement. A protective arrangement will not modify any state or federal authorized rules regarding exemption or transfer of assets or resources for determination of Medicaid or Social Security eligibility and is not considered a sale of property. Additionally, a court order authorizing a protective arrangement will not have any impact on the protective arrangement's consideration in the actual Medicaid eligibility determination decision and will not infringe upon or void an existing homestead lien of record.

SB 198 modifies the Oklahoma Guardianship and Conservatorship Act to specify that *least restrictive alternative* means meeting an individual's needs in a way that restricts fewer rights. The measure also adds a definition of *supported decision making*. After court proceedings, the court will determine the extent of incapacity and the feasibility of less restrictive alternatives. The court may dismiss the action if less restrictive alternatives are feasible or appoint

a guardian or limited guardian. Guardianship for incapacitated persons will be designed to encourage the development of self-reliance and independence, used as is necessary to promote the well-being of person and property and ordered only to the extent required by the person's actual limitations.

SB 300 directs courts that issue orders for involuntary protective services to dismiss the order of temporary guardianship when conditions that created the emergency have been removed. The scope of service provided by DHS is limited to protective services or the establishment of eligibility of the services for the person and estate. Dismissal may be requested when an appropriate level of care for the vulnerable adult has been established, assets have been secured, and a representative payee or trustee has been established for financial management, if applicable.

Long-Term Care

The Legislature worked to expand the rights for individuals in long-term care facilities and their families, including the passage of **HB 2566**, which requires that every long-term care facility in the state provide reasonable access to a resident by family, compassionate caregivers, and the Oklahoma Long Term Care Ombudsman, which the resident can deny or withdraw consent for at any time. The resident must also receive reasonable access to health care providers. Long-term care facilities will be required to include and submit procedures for visitation during an emergency in a plan sent to the Oklahoma Department of Health (OSDH). The visitation plan must be made available to health care providers, family and compassionate caregivers upon request. Visitation and access are subject to reasonable clinical and safety restrictions as ordered by OSDH or the Centers for Medicare and Medicaid Services, but long-term care facilities are not allowed

to eliminate all visitations. Visitation may be temporarily suspended for emergency preparedness.

SB 654 modifies the fees for licenses to establish or operate a residential care home. Licenses are to expire 36 months from issuance date and the fee for a renewal license is \$25. For the license period immediately following November 1, 2021, renewal licenses may be issued for a period of more than 24 but less than 36 months. The measure also extends the maximum licensure period for adult day care centers to 36 months and establishes a \$10 renewal fee per bed for a continuum of care facility or assisted living center. The measure directs the State Commissioner of Health to promulgate related rules.

HB 1877 creates a new procedure for an assisted living center when a resident is prescribed an antipsychotic drug. The center must ensure a resident is assessed at least quarterly for effectiveness and possible side effects and document and provide the results to the resident or their representative. The center must also ensure the resident care staff understand potential benefits and side effects of the medication. Lastly, when prescribed on an as-needed basis, the assisted living center is to document the rationale for use, describe the condition that indicates administration, monitor the use of the drugs for potential harm to the resident and document the results of the monitoring.

HB 1794 updates language requiring living facilities that treat or care for persons with Alzheimer's and dementia to disclose the type of care they provide that distinguishes them as suitable for such persons. These facilities must use a disclosure form developed by OSDH. The measure also creates the Alzheimer-Dementia Disclosure Act Advisory Council. The council is required to make recommendations to the State Commissioner of Health regarding the disclosure form.

SB 388 stipulates that patient eligibility for home care services and care must be certified and overseen by a health care provider. The measure also replaces the State Board of Health with the State Commissioner of Health as the oversight body dealing with the provisions of the Home Care Act.

SB 42 exempts individuals employed by a licensed home care agency to exclusively provide personal care services in the home from the provisions of the Home Care Act. The measure replaces the State Board of Health with the State Commissioner of Health as the oversight entity for care homes.

Miscellaneous Health and Human Services

HB 2327 amends the childcare facilities Restricted Registry by requiring a procedure to provide notice and an opportunity to review the findings of DHS to the individual and to the facility if the individual is employed by a facility affiliated with OJA.

HB 2905 increases the funding for Community Based Youth Services program within OJA by \$1.5 million.

SB 45 adds a fingerprint-based national criminal history record check to the DHS background check requirements. DHS may directly request a national criminal history record check from OSBI.

SB 93 replaces the term *retarded person* with *an individual with intellectual disability* as it relates to funeral expenses for children in DHS custody.

SB 199 allows the disclosure of agency records to DHS employees whose official duties include the audit or investigation of programs, services, administrative, or employment matters involving the department or the Medicaid program unless the records and information accessed

must be limited to the purposes for which the disclosure is authorized.

SB 433 provides that any investigation of community-based programs contracting with DHS must include a process for notifying the service provider of areas of concern and administrative information. This information will not be considered final findings and will not be included in a final investigative DHS report. The department must develop a procedure for allowing a community services provider to request an investigation status update within 10 days of the initiation of an investigation.

SB 1044 transfers the program used to broaden the availability of support service providers (SSPs) in the deaf-blind community from the Department of Rehabilitative Services to DHS and caps the total amount of grants awarded to SSPs to \$250,000 annually.

SB 1073, which directs DHS to contract with a third party to establish a standardized assessment of persons on the Developmental Disabilities Services Division waiting list. The assessment is to document the overall needs of those on the waiting list and be used for future funding requests. Further, the measure specifies that of the appropriations made to DHS, the following amounts must be used in this manner:

- \$2 million to be used for providing services for persons with developmental disabilities;
- \$250,000 to be used to implement the provisions of SB 1044;
- \$1 million to be used to fund debt service obligations for the renovation and construction of the Robert M. Greer Center located in Enid; and
- \$2.8 million to be transferred to the Child Abuse Multidisciplinary Account. •



Judiciary

Several measures were enacted this session to improve the administration of the Oklahoma Court System.

SB 155 directs the Oklahoma Supreme Court to maintain a calendar of cases pending before the court and to publish the calendar on its website. Entries on the calendar must include dates the court is to hear oral arguments, cases challenging the constitutionality of an act of the Legislature, dates of court conferences, dates the court is closed, and any information that will assist the public in monitoring cases. Entries noting oral arguments must include the case number, names, counsel of record, and a summary of the case. The Supreme Court must also update weekly a list of cases for which it has granted review.

HB 1980 directs the Judicial Nominating Commission to promulgate rules to promote transparency in the commission's selection process. The rules are to be prominently published on the commission's website.

HB 1152 removes the requirement to possess a minimum level of court reporting proficiency for applicants seeking to be examined for enrollment as a certified shorthand reporter.

A related measure, **HB 2689** provides that on October 1, 2021, each court reporter is to receive a one-time stipend of \$1,250.

HB 2913 provides that the Administrative Director of the Courts is responsible for and has control

over matters concerning the budget, personnel, technology, purchases and other administrative operations of all courts of this state, including the Court of Civil Appeals and the Court of Criminal Appeals, and performing such additional duties as may be assigned by the Chief Justice.

HB 2869 codifies the actions of the Board of Judicial Compensation, as modified by HB 2673 (2020), which adjusted judicial salaries.

HB 2889 appropriates \$7.5 million from the General Revenue Cash-flow Reserve Fund to the Supreme Court for the support of district courts.

HB 2912 allows courts to continue the assessment of a \$10 filing fee in civil actions. This fee is credited to the Court Clerk's Records Management and Preservation Fund maintained by each county. The measure continues the assessment of this fee until November 1, 2027.

With the enactment of **HB 1095**, the Legislature gave courts additional powers to protect communities. The measure allows the court to prohibit a defendant from entering, visiting or residing within the judicial district in which the defendant was convicted, until after completion of their sentence. The court must ensure the defendant has access to services or programs in which defendant is required to participate as a condition of probation. When seeking to enter the prohibited judicial district for personal business not related to their

criminal case, the defendant must obtain approval from the court.

SB 38 places oversight of the drug court programs established by the Oklahoma Drug Court Act with the Administrative Office of the Courts. The measure extends judicial immunity to any duty required by law to be performed by a judge of a drug court. The measure also establishes a county Drug Court Fund under the management of the county treasurer, and directs all monies received by the county drug court to the fund.

HB 2548 creates the Uniform Power of Attorney Act. The model legislation adopted in 29 states brings uniformity to the power of attorney in the various states in probate procedures. The measure provides definitions and procedures used in the act regarding the use of power of attorney. The measure also repeals various existing Oklahoma statutes regarding power of attorney that are now addressed in the measure.

SB 31 requires the court to enter an order dismissing a plaintiff's case against a defendant if the defendant demonstrates that they were not timely served. The court is directed by the measure to dismiss the action 200 days after the filing of the action in which no service has been made on any defendant.

A related measure, **SB 44**, requires any charges or warrants issued for failure to appear in court to be dismissed upon the defendant showing the court that they were

incarcerated or otherwise detained by law enforcement at the time of the failure to appear.

HB 2746 exempts municipal or state law enforcement officers employed in a county with a population of more than 255,000 from jury duty. All federal law enforcement officers are exempted. Municipal or state law enforcement officers in counties with a population of less than 255,000 may serve on noncriminal actions only.

HB 1022 provides that the payment of the fine and costs not accompanied by a written plea of guilty or nolo contendere is deemed to be a plea of nolo contendere and is to function as a written, dated and signed citation form acceptable to the court.

SB 171 prohibits a court clerk from publishing court records on the court's website if the cases involve rape, sodomy, sex crimes, sexual images, lewd or indecent conduct, pornography, child abuse or neglect, domestic abuse, kidnapping, extortion of a vulnerable victim, human trafficking or similar offenses.

SB 677 removes the requirement for a court clerk to first offer all or part of the records subject to destruction to the Archives and Records Division of the Oklahoma Department of Libraries for preservation. The measure also authorizes destruction of court records related to a domestic relations case in which a minor child is involved after 20 years, and records related to a domestic relations case that does not involve a minor child after 10 years. Records pertaining to protective orders may be destroyed one year after the case was dismissed and no further action taken in the case, or 10 years after the order was issued.

HB 1024 prohibits any person previously convicted of a violent crime or a crime that requires the person to register as a sex offender from applying for or obtaining a license to serve process. Persons currently licensed who are subject to this prohibition will not have their license renewed. The measure removes a

requirement that a person applying to be a process server publish notice of the hearing for a license. Any person who knowingly and willfully serves process in Oklahoma without a process server license or who holds themselves out to be a process server licensed by the State of Oklahoma when the person is not licensed is guilty of a misdemeanor. Assault of a process server is a misdemeanor punishable by imprisonment for up to one year in the county jail, a fine of not more than \$1,000, or both. The measure also states that it is a crime to fail to control an animal at the time a legal process is being served.

HB 2226 provides that, if a claimant of any unclaimed funds or property is deceased and did not personally agree to a recovery fee in writing, the fee can only be collected from each identified heir, devisee, or legatee that has affirmatively agreed to that fee in writing.

SB 162 creates the Oklahoma Decanting Act and gives the authorized trustee full discretion to distribute the principal of the trust in favor of a trustee of a second trust for the benefit of the current trust. Authorized trustees may grant a power of appointment in the second trust to one or more of the current beneficiaries of the first trust who is eligible to receive the principal outright under the terms of the first trust. The measure also authorizes petitioners to petition a court to order a distribution. Authorized trustees with limited discretion to distribute the trust may distribute all or part of the principal of that trust in favor of a trustee of a second trust, provided the beneficiaries of the second trust are substantially the same as the members of the current trust. Special-needs fiduciaries may exercise similar distribution powers as authorized trustees with full discretion. The measure authorizes the interest of a special-needs trust to have an interest in additional financial tools, such as a pooled trust as defined by Medicaid law for the benefit of the beneficiary with a disability.

HB 2951 creates the State-Tribal Litigation Revolving Fund for the purpose of hiring legal counsel and paying expenses related to legal controversies between the State and tribal governments. The measure provides that if these provisions are found unconstitutional, the balance of the fund is to be reverted to the General Revenue Fund. A \$10 million appropriation is provided to the fund through the general appropriations bill.

HB 1799 modifies the process for expunging juvenile court records in the following ways:

- The petition for expungement may be filed as an oral or written petition and must be presented at the time the case is before the court for a final review or any time after an informal adjustment agreement has been successfully completed and the court dismissed the case, or the court is closing the case due to a lack of jurisdiction or the child reaching the age of 18 or 19 years of age, if jurisdiction of the court was previously extended.
- A person who reaches the age of 18 can file for their own expungement provided they meet all the requirements.
- A written petition for the expungement of the juvenile court records is permitted if the state objected to an oral petition.
- Certain parties may access expunged records without a court order to determine whether to dismiss an action, seek voluntary probation, file a petition or information, or for purposes of sentencing or placement if the person or child is alleged to have committed a subsequent act.
- Landlords cannot require an applicant to disclose any information contained in any expunged juvenile court records.

SB 310 requires the court to consider the statements of the victim or

victims of a juvenile crime when ruling on any motions for certification as a youthful offender or an alleged juvenile delinquent. The measure also provides that any person aged 15-17 who is charged with rape or attempted rape in the first degree may be held accountable for their act as if they were an adult.

HB 2544 removes the requirement that abuse of a vulnerable adult be committed upon a resident of a nursing facility in order to be considered an 85 percent crime or a violent crime.

Workers' Compensation

HB 2236 makes it a felony to fail to report to an employer, insurance carrier or third-party administrator any earned income while receiving temporary total disability benefits. The measure also changes the qualification requirements for personnel assigned to the Workers' Compensation Fraud Investigation Unit; personnel now must be certified as a peace officer by the Oklahoma Council on Law Enforcement Education and Training, in lieu of a minimum of three years of certified law enforcement experience.

SB 1077 continues a 7 percent assessment on workers' compensation insurance coverage until fiscal year 2027 to the credit of the Multiple Injury Trust Fund.

SB 472 provides for an annual payment of \$1.75 million to the Workers' Compensation Administrative Fund for the fiscal year ending June 30, 2022, and all

fiscal years thereafter during the existence of the Court of Existing Claims. The measure also allows the Judge of the Court of Existing Claims to employ one special workers' compensation judge, subject to the availability of funds.

SB 1013 allows the Workers' Compensation Commission to keep its litigation files and investigatory reports confidential. The measure also allows an attorney of the Compliance Division of the commission or any investigator called by the attorney to testify on matters concerning any information an employee has received through the performance of their duties.

HB 2026 amends the definition of *employee* as used in the Administrative Workers' Compensation Act to include persons who provide services in a medical care or social services program, or who are participants in a work or training program, administered by the Department of Human Services.

Miscellaneous Judiciary

HB 1632 modifies the writ of execution form used in actions of forcible entry and detainer by providing that physical possession of the property is to be restored to the plaintiff.

HB 2229 creates the Uniform Interstate Depositions and Discovery Act, providing for uniform procedures for the issuance of subpoenas.

SB 90 provides that an affidavit of publication provided by a

publisher or authorized employee constitutes conclusive proof that the newspaper has published the notice, advertisement or publication.

SB 97 removes the prohibition on the use of videoconference technology in a jury trial or a trial before a judge in a district court.

SB 140 expands the number of persons eligible to participate in the Delayed Sentencing Program for Young Adults by allowing persons up to the age of 25 to be considered for the program.

SB 153 allows recovered monies to be deposited into a trust created by the court on behalf of a person under 18 years of age.

SB 343 clarifies the authority of the court to collect court fines and fees through tax warrant intercepts.

SB 348 requires prosecutions for the crimes of first-degree manslaughter and second-degree manslaughter to commence within 10 years after the discovery of the crime.

SB 361 modifies the definition of *peer support counseling sessions* as used in the Oklahoma Evidence Code to allow for the participation of the immediate family of the public safety or emergency services personnel.

SB 578 clarifies the requirements for statements made under penalty of perjury.

SB 1002 strikes references to misdemeanor cases in the definition of *signature* as used in the Criminal Procedure Code. ●



Public Safety

Concerns regarding the implementation of REAL ID and the protection of Second Amendment rights were a major focus of the Legislature. Lawmakers provided additional support for the Department of Public Safety (DPS) and motor license agents for the implementation of REAL ID driver licenses and clarified the locations where the carrying of firearms could be restricted.

SB 1057 authorizes motor license agents to issue REAL ID-compliant driver licenses and allows for the issuance of driver licenses that are valid for either four or eight years. The fee schedule for eight-year licenses is double that of four-year licenses.

HB 2465 authorizes DPS to enter into agreements with local school districts, the Oklahoma Department of Career and Technology Education, or institutions of higher education to administer written examinations for Class A, B, C, or D driver license tests.

HB 1059 allows a motor license agent to process the voluntary downgrade of a REAL ID compliant commercial driver licenses to any lower-class license and allows a motor license agent to perform document recognition and other requirements needed for approval of an application for a Class A, B or C commercial license. Additionally, DPS must require designated examiner applicants, driver education instructor applicants, third-party

examiner, and commercial school driver education instructors to complete an electronic national criminal history record check.

In an effort to reduce the current waiting period for REAL IDs, **HB 2900** directs DPS to expend up to \$6.6 million to expedite and facilitate the issuance of REAL ID-compliant driver licenses and identification cards.

SB 355 creates the Peer-to-Peer Car Sharing Program Act. A *peer-to-peer car sharing program* is defined as a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. The program:

- May not offer renting motor vehicles without a driver except as provided for in the measure;
- Is required to assume liability of a shared vehicle owner for bodily injury or property damage to third parties or uninsured and underinsured motorist or personal injury protection losses during the car sharing period;
- Is exempted from assuming liability if the car owner makes an intentional or fraudulent material representation or omission to the program or acts in concert with a shared vehicle driver who fails to return the shared vehicle;
- Is required to disclose to shared vehicle owners or drivers certain

facts pertaining to the insured vehicle and liability;

- Is required to ensure each of its drivers and vehicle owners are insured under a motor vehicle liability insurance policy that meets insurance coverage requirements;
- Is required to notify the driver of a vehicle with a lien on it that participation in the program may violate the terms of the contract with the lienholder; and
- Is required to notify the driver of a vehicle with a lien on it that participation in the program may violate the terms of the contract with the lienholder.

A person who uses a vehicle pursuant to a car sharing program must be a licensed driver and any vehicles offered for shared services must not have any outstanding safety recalls.

SB 999 creates the Oklahoma Courier Application Services Act. The measure establishes a framework for for-hire on-demand transportation of property in a personal vehicle through a digital network. Courier application service companies and drivers are not considered motor carriers of property or for-hire motor carriers. A courier application service company is required to maintain a zero-tolerance policy against drivers operating under the influence of drugs or alcohol while providing services. The service company must require an individual to submit their address, age, driver license and other

information as needed before acting as a driver.

HB 1795 modifies the period of driver license revocation for persons under the age of 18 who have committed any offense involving alcohol or a controlled substance. The measure provides that DPS may cancel or deny driving privileges for up to six months for the first offense or up to one year for a subsequent offense. A person under the age of 20 may have their driver license cancelled or denied for the same time periods for driving under the influence. Attorney fees and costs are not to be awarded to any party in a modification hearing and DPS is not to be held liable for attorney fees and costs for suspending, revoking, canceling or denying a driver license based upon reasonable reliance on a notice from a court. Petitions for relief must be based upon error or hardship. When DPS receives a report of a conviction in another state relating to the operation of a motor vehicle, DPS may in its discretion suspend the driving privilege of the person. Any person who can demonstrate enrollment in a federal or state assistance program, including, but not limited to, Social Security or the Supplemental Nutritional Assistance Program, is to be granted a modified payment plan upon request. Eligibility for a provisional license is modified and the minimum that a person must pay toward outstanding fees and costs is lowered from \$25 per month to \$5 per month.

HB 2183 directs DPS to approve at least one public transit, state, county, or municipal government agency that maintains a program instructing students for a Class A, B, or C license to hire or employ third-party examiners.

SB 367 authorizes Intermediate Emergency Medical Technicians, Advanced Emergency Medical Technicians, and paramedics to withdraw blood for the purpose of testing a person's blood alcohol content. Law enforcement is no longer responsible for the costs of collecting

samples of breath, saliva or urine for testing. The measure outlines standards for any breathalyzer test to be considered admissible as evidence in court proceedings. Such tests must use a device that is accredited by the U.S. Department of Transportation in the Federal Register and calibrated by a device from a list of approved devices published by the U.S. Department of Transportation. The test must also be administered by a person properly licensed by the Board of Tests for Alcohol and Drug Influence. In order for the analysis of a person's blood to be considered valid and admissible in evidence it must be performed by a properly accredited laboratory.

SB 371 creates the eight-member Unified State Law Enforcement Commission, which is tasked with studying, evaluating and making recommendations regarding the unification of the Oklahoma State Bureau of Investigation (OSBI), the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBNDD), and DPS. The group must make recommendations regarding the best methods to ensure accountability within a unified state law enforcement agency and must address public corruption. The commission may also make recommendations determined by the commission to be relevant to the unification of state law enforcement. The commission is to submit a report by December 1, 2021, to the Governor, majority and minority leaders of the House and Senate, and the Public Safety Committee chairs in the House and Senate.

SB 1054 directs DPS to spend \$4 million of its appropriated funds for a trooper academy and \$439,120 for any necessary expenses related to interoperable communications inside the State Capitol building.

HB 1643 creates a misdemeanor crime for using an electronic communication device to publish personally identifiable information of a peace officer or public official with the intent to threaten, intimidate or

harass, commonly known as doxxing. Initial violations are punishable by up to six months in the county jail, a fine of up to \$1,000, or both. Second or subsequent offenses are punishable by up to one year in the county jail, a fine of up to \$2,000, or both. The measure also allows elected county officials and peace officers to obtain a court order requesting that the county assessor not make their personal information available on the internet.

Firearms

HB 2645 prohibits the carrying of firearms on property set aside by a county, city, town, public trust with a county, city or town as a beneficiary, or state governmental authority for an event where minimum-security provisions are in place. *Minimum security provisions* are defined as consisting of a metallic-style fence at least 8 feet in height that encompasses the property and deters unauthorized entry with controlled access points staffed by uniformed commissioned peace officers and metal detectors. When no minimum provisions are enforced, it is lawful to conceal carry firearms during such public events.

SB 631 creates the Second Amendment Sanctuary State Act to pre-empt any agency or political subdivision from infringing upon the rights of a citizen to keep and bear arms. Any federal, state, county or municipal act, law, executive order, administrative order, court order, rule, policy or regulation ordering the buy-back, confiscation or surrender of firearms, firearm accessories or ammunition from law-abiding citizens of this state is to be considered an infringement on the rights of citizens. A related measure, **SB 926** allows a municipality to issue a citation for the discharge of an air-powered pistol or rifle in an intentional or negligent manner that causes the projectile to leave the intended premises.

SB 106 modifies various provisions of the Oklahoma Self-Defense Act to update the process and qualifications

for obtaining a license to carry a firearm. The measure:

- Requires renewal applications to be denied if a current license is pending suspension or revocation or has been suspended or revoked;
- Removes the preclusive period for applicants that have two or more convictions of public intoxication provided the applicant has a certified statement from a licensed physician stating that the person is not in need of substance abuse treatment;
- Prohibits a person whose license was suspended or revoked from obtaining a license for five years;
- Requires OSBI to utilize the Immigration Alien Query database for non-United States citizens in the course of its background check; and
- Authorizes OSBI to conduct a National Instant Criminal Background Check as part of the license background check.

HB 1630 amends various sections of the Oklahoma Self-Defense Act. The measure provides that renewal applications are to be denied if the current license is subject to suspension or revocation or if the license has previously been suspended or revoked by the bureau and removes the ability of the bureau to examine medical or other records during a renewal application. Additionally, a person who has been precluded from obtaining a carry license due to convictions for public intoxication may obtain a certified statement from a licensed physician stating that the person is not in need of substance abuse treatment to remove the preclusion. A five-year preclusion period is also created if a previously issued handgun license has been revoked. The measure requires the OSBI to conduct a search of the Immigration Alien Query for non-United States citizens as part of its background check and requires

applicants to include a declaration of citizenship or admission number for a non-United-States citizen. The measure requires the applicant to acknowledge that the applicant has reviewed the Federal Bureau of Investigation Privacy Act Statement. The measure requires that the license card contain the date of issuance of the handgun license.

HB 2898 provides that all monies submitted by sheriffs to OSBI as processing fees for applications for a handgun license are to be deposited in the General Revenue Fund beginning July 1, 2022.

SB 646 allows an employee of an establishment that sells alcoholic beverages to carry or possess a weapon while in the scope and course of employment if the employee has permission from the owner.

SB 672 clarifies that any person over the age of 18 may transport an unloaded firearm on a public highway in or on their vehicle.

Motor Vehicle Registration

SB 998 directs the Oklahoma Tax Commission (OTC) to implement a program providing for the electronic storage of and filing of motor vehicle certificates of title and allow a lienholder to perfect, assign and release a lien on a motor vehicle in lieu of submission and maintenance of paper documents. The OTC is to enter into competitive contracts with qualified third-party service providers to provide the necessary infrastructure for such a program. The measure provides for participating tag agents to receive all fees provided by the Oklahoma Vehicle License and Registration Act notwithstanding current law. The OTC is also authorized to expend monies from the Oklahoma Tax Commission and Office of Management and Enterprise Services Joint Computer Enhancement Fund to implement the provisions of the measure.

HB 2375 authorizes two or more noncommercial vehicles owned by

the same person that have different registration months to be registered in the same month. A convenience fee of \$5 will be applied to such registrations, half of which will be deposited to the credit of OTC and half of which will be retained by the motor license agent. When a noncommercial vehicle's registration month is changed, license and registration fees must be prorated to account for the differences between the previous renewal month and the new renewal month and those fees are due at the time of registration. The measure also allows for the un-staggering of a special or personalized license plate.

SB 313 provides the fees for all special or personalized license plates issued after January 1, 2022, to be remitted at the same time and subject to a single registration period. Upon receipt of a special license plate, the owner must surrender the original plate to OTC. The measure also directs OTC to determine a method for making required fee adjustments when a special or personalized license plate is obtained during a 12-month period for which a registration fee has already been remitted.

SB 463 modifies the authority of OTC to remove motor license agents from their position. The measure changes the at-will termination of such agents to "for cause" as defined in the measure and requires the OTC to comply with the provisions of the Administrative Procedures Act as it relates to removing tag agents.

SB 607 requires OTC to provide at least one motor license agent in each county.

HB 1065 waives the per-day penalty for delinquent motor vehicle registration if it can be shown the vehicle was stolen as certified by a police report or other documentation as required by OTC.

HB 2202 provides that no citation may be issued by any state, county, or municipal law enforcement officer during the 30-day period immediately succeeding the last day of the month during which a vehicle registration

should have been renewed and a current license plate decal obtained and displayed on the license plate of the vehicle.

SB 263 authorizes individuals to reclaim the license plate of a car when repossessing a vehicle that has not had its license plate removed. The measure also authorizes a person to obtain a 30-day temporary permit on a vehicle in their possession if the vehicle is subject to a lien.

HB 2382 defines and authorizes a *street-legal utility vehicle* to be registered as a motor vehicle and operated on roadways, excluding the interstate highway system or U.S. highways. The vehicle must be issued a certificate of registration, license plate, and yearly decal from OTC and be registered annually. The measure creates a five-day temporary tag for out-of-state owners of street-legal utility vehicles.

SB 899 exempts kiteboards from the registration requirements provided for in the Oklahoma Vessel and Motor Registration Act.

HB 1149 requires persons engaged in the activities of a used motor vehicle sales to obtain a certificate of registration from the Oklahoma Motor Vehicle Commission (OMVC). The measure provides that the cost of any administrative fine is to be borne by the employing entity. A salesperson is deemed to be temporarily approved and allowed to sell vehicles when applications and fees are on file with the commission. The measure authorizes a person to sell used motor vehicles without obtaining a separate used motor vehicle salesperson's certificate of registration if the person has a certificate of registration from the OMVC to sell new or unused motor vehicles at a new motor vehicle dealer's licensed franchise location that also sells used vehicles. The cost of the registration for each salesperson is \$50 to be renewed biennially and may be transferred for a fee of \$25. The measure also requires new recreational vehicle

manufacturer, factory representative to obtain licensure from the OMVC.

HB 1153 modifies several definitions in the Oklahoma Used Motor Vehicle and Parts Commission related to manufactured homes. *Manufactured home dealer* is modified to include a person who is engaged wholly or in part in the business of leasing any new and unused, or used, or both new and used manufactured homes, that are considered personal property, with an option to purchase or own in any form at any time after beginning of the lease term. The measure provides that a *manufactured home dealer* does not include a restricted manufactured home park dealer. The measure also modifies the definition of *manufactured home salesperson* by including restricted manufactured home park dealers. The measure modifies the definition of *restricted manufactured home park dealer* to include persons engaged in leasing manufactured homes with an option to purchase or own in any form at any time after the beginning of the lease term. The measure requires a restricted manufactured home park dealer to obtain a bond in the amount of \$30,000.

Traffic Violations

HB 1770 provides that it is unlawful for any person to maliciously throw an object at or in the direction of any person riding a bicycle, equine, or animal drawn vehicle. Persons convicted of violating this provision will be subject to a term of imprisonment not more than one year, a fine of \$500 or both. Additionally, no driver of any vehicle may use a horn when passing a person riding a bicycle, equine or animal-drawn vehicle under normal conditions if no imminent danger of a collision exists. The measure also allows bicyclists to extend their arm horizontally to the right to signal a right turn and may extend their right hand and arm downward to their right side to signal a stop or decrease in speed.

HB 1967 modifies the time frame in which a school bus driver must report a violation of passing a loading or unloading school bus from within 24 hours to on or before the next day that school is in session following the alleged offense.

HB 2053 requires law enforcement officers issuing a citation for unsafe tire tread depth to include the tread depth of the offending tire on the citation.

HB 2054 authorizes motorists to drive in the left lane while not attempting to pass another motorist if the left lane is on a county road and if the roadway is not part of the interstate or turnpike system.

HB 2056 provides that when there is an active lien from a commercial lender in place on a vehicle, motor license agents are prohibited from transferring the certificate of title on that vehicle until the lien is satisfied.

HB 2238 provides that persons are not prohibited from soliciting rides, donations, employment, or business from occupants of vehicles on roadways maintained by a city or town if they are in compliance with a permit and regulations adopted by ordinance.

HB 2271 authorizes persons with a Purple Heart License Plate to park in handicapped parking spaces.

HB 2321 clarifies that a truck-tractor carrying cargo on the roadways must maintain commercial auto, farm and ranch, inland marine or cargo liability insurance that applies to the costs of cleanup of any substance that is spilled or otherwise deposited on the roadway or right-of-way.

HB 2325 exempts retail implement dealers from escort vehicle requirements when transporting farm implements from a retail distribution point to a farm or other location within a 150 air-mile radius from the distribution point.

Towing and Road Service

HB 2182 authorizes the removal and towing of a vehicle that is left unattended upon any street, sidewalk, alley or thoroughfare and constitutes a hazard or obstruction to the normal movement of public transit along a rail-fixed guideway.

HB 2741 allows a tow operator or wrecker yard operator to release a motor vehicle to a legal representative or an immediate family member who is within the first or second degree of consanguinity or affinity if the owner of the vehicle is dead or incapacitated. The measure increases the license application fee for a wrecker license from \$100 to \$500. The measure apportions \$90 to the General Revenue Fund and \$410 to the Department of Public Safety Restricted Revolving Fund to administer the Wrecker Services Division and modernize computer programs. The measure increases the wrecker license renewal fee from \$50 to \$250 and apportions \$200 to the Department of Public Safety Restricted Revolving Fund to administer the Wrecker Services Division and modernize computer programs. The measure removes a requirement that the Tow Request and Authorization Form be completed in quadruplicate and allows the department to notify the owner of a towed vehicle the vehicles location by first-class mail. Personal property in a towed vehicle may be released when the registered owner or representative of the owner provides proof of identity.

SB 787 authorizes road-service vehicles to equip flashing yellow and white lights when providing road services and repairs to disabled passenger vehicles. The lights may only be used for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking or passing such vehicle.

Law Enforcement Officers

SB 3 authorizes sheriffs and peace officers to utilize telemedicine to assess a person the officer reasonably believes needs treatment by a mental health professional. Additionally, the measure requires officers to transport such individuals in need of treatment or subject to an emergency detention or protective custody order to the nearest facility within a 30-mile radius. The law enforcement agency that transported an individual to an urgent recovery clinic is responsible for any subsequent transportation of the individual pending completion of the initial assessment, emergency detention, protective custody, or inpatient services. If no such facility is available, transportation to a facility must be completed by either the Department of Mental Health and Substance Abuse Services or an entity contracted by the department for alternative transportation.

SB 684 allows OSBI, OBNDD, the Oklahoma Highway Patrol, and the Oklahoma Alcoholic Beverage Laws Enforcement Commission to enter into interagency transfers among commissioned law enforcement officers. No transfer can be for a period of two years or less and the temporary assignment period may not exceed five years in length.

SB 809 adds campus police officers to the list of officers who are to be entitled to receive, upon retirement by reason of length of service, the continued custody and possession of the sidearm and badge carried by the officer. The measure allows compensatory or annual time that accrued or expired during emergency declarations issued in response to the novel coronavirus to carry over to the end of the fiscal year following the year in which the emergency declaration ended.

HB 1026 allows the Council on Law Enforcement Education and Training (CLEET) to establish and certify additional law enforcement and criminal justice programs at institutions operating under

the State Board of Career and Technology Education for teaching students between 16 and 19 years of age. The tuition or fees for law enforcement and criminal justice-related programs must be similar in cost as other vocational and technical education courses and subjects offered at technology center schools.

SB 242 modifies the membership of CLEET by requiring the appointee from the Oklahoma Department of Career and Technology to have experience in the creation and review of curriculum as well as experience in teaching criminal justice or law enforcement courses. The measure further requires CLEET's application form for any state supported technology center to offer classes not to exceed 20 pages.

SB 792 allows the Insurance Commissioner to authorize a bondsman exceeding the maximum amount of Federal Deposit Insurance Corporation basic deposit coverage when a state of emergency or disaster is declared. The measure also requires bondsmen to deposit cash or other forms of compensation within two business days after receiving such compensation in an established, separate, non-interest-bearing trust account. Additionally, the measure provides for bonds posted for a petition for revocation of a suspended sentence, a petition for acceleration of a deferred sentence or any violation of a probationary term to be exonerated by operation of law in certain circumstances. Premiums for a bail bond will be considered earned when the defendant on the bond is released from custody and is not incarcerated in any capacity or if the bondsman and the payor of the bond premium have agreed in writing that the purpose of the bond is to secure the transfer of the defendant to another jurisdiction. The payor of the premium or the depositor of any collateral may request the return of any unearned bond premiums.

SB 958 authorizes a fire protection district to obtain certification or licensure to operate an emergency

medical services (EMS) agency, or to contract for emergency medical services with a certified or licensed EMS agency.

SB 687 amends the Oklahoma 9-1-1 Management Authority Act. The measure requires local plans to deliver Next Generation 9-1-1 services to align with the state's master plan. It also allows a local agency's funds to be held back by OTC if the agency fails to provide connectivity between state, regional and local next-generation systems. The Oklahoma 9-1-1 Management Authority is authorized to oversee all 9-1-1 fees collected under the 9-1-1 Management Authority Act and the Oklahoma Emergency Telephone Act. The bill further allows the authority to establish rules for interoperability between systems and clarifies its authority to develop a statewide master plan.

HB 2225 allows a chief of police to authorize a person to dispose of personal property or money as provided by law. If the money or property was seized in connection with an investigation or arrest, a court with jurisdiction over the offense, or a prosecuting attorney if charges were disposed of or declined, determines whether the property is no longer needed as evidence and may be disposed of. The bill allows a municipality to designate an employee other than the chief of police to file an application requesting sale of the personal property. If the property has an actual or apparent value over \$250, written notice must be given to the person last in possession of the property. The measure also allows a municipality to provide written notice at the time of arrest that

certain property would be available for return within 90 days if it was not seized as evidence. Finally, property in the custody of a peace officer will not be returned to the owner if the owner is not permitted to possess the property. An owner of property that is in custody of law enforcement, but is not needed as evidence, must provide proof of title to the property or sign an affidavit of ownership if title documents do not exist.

SB 272 authorizes a law enforcement agency to request and receive the call location of a user's communication device from a telecommunication company in order to respond to a call for emergency services or in an emergency situation that involves risk of death or serious physical harm. Notice is required to be provided to the user whose information was provided to law enforcement 30 days after the call for emergency services or the emergency situation. Every telecommunication company registered to do business in the state must annually submit emergency contact information to OSBI to facilitate requests from a law enforcement agency. Carriers are not required to submit emergency contact information for individual customers to OSBI.

SB 980 modifies the Security of Communications Act by adding the offenses of child sexual exploitation or permitting child sexual exploitation and soliciting sexual conduct or communication with a minor by use of technology to the list of crimes allowing the court to authorize the interception of wire, oral, or electronic communications by law enforcement.

Miscellaneous Public Safety

HB 1715 repeals a section of law relating to a minor's reading ability to obtain driver licenses or permits. The measure also repeals a section of law requiring a minor to show that they are enrolled in a public or private secondary school to obtain permits and driver licenses.

SB 10 eliminates the November 1, 2022, sunset date as it relates to the \$10 fine applied to persons convicted of a speeding violation 1-10 miles per hour over the speed limit.

SB 184 authorizes the use of Class 3 electric-assisted bicycles on bicycle and multi-use paths.

SB 28 broadens the classification of *political subdivision* within the Governmental Tort Claims Act to include substate planning districts, regional councils of government or other entity created pursuant to the Interlocal Cooperation Act.

SB 61 specifies the location of various highway intersections designated as high-wide corridors. The measure also removes the high-wide corridor designation from the intersection of US-177 and US-64, proceeding east on US-64 to SH-108, as well as the intersection of US-64 and SH-108, proceeding south on SH-108 and ending at SH-51.

HB 1584 titles an existing section of law relating to approaching a stationary emergency vehicle on a roadway as *Bernardo's Law*. The section requires a driver, upon approaching a stationary emergency vehicle or road maintenance vehicle, proceed with due caution and to the extent possible change lanes or reduce speed. •



Redistricting

Delays in collecting and reporting data for the 2020 Census have complicated state and local redistricting efforts that take place following each federal decennial census. To meet the constitutional deadline for enacting legislative redistricting plans, lawmakers approved district boundaries for state House and Senate districts based on population estimates from the Census Bureau's 2015–2019 American Community Survey (ACS) and will return for a special session upon the release of the detailed block-level data from the U.S. Census Bureau.

HB 1198, the State House of Representatives Redistricting Act of 2021, provides a geographic description of the new 101 House districts. Each House district was redrawn to have roughly 38,939 persons, the ideal district population

based on the 2015-2019 ACS statewide estimate of 3,932,870. Maps of House districts can be viewed [here](#).

SB 1066, the State Senate Redistricting Act of 2021, provides a geographic description of the new 48 Senate districts. Each Senate district was redrawn to have roughly 81,935 persons, the ideal district population based on the statewide estimate. Maps of Senate districts can be viewed [here](#).

Both legislative redistricting measures require the Legislature to review the district boundaries upon the release of the detailed block-level data in August 2021 and make any necessary adjustments for compliance with law. The Legislature will convene for a special session for this purpose on November 15, 2021. The new district boundaries will take effect with the 2022 elections.

SB 728 provides a one-time exception for the October 1 deadline for redistricting county commissioner districts. For the 2021 cycle, county commissioners have until November 30, 2021, to adopt a resolution recording new commissioner district boundaries.

SB 347 prohibits local entities from calling elections in December 2021, January 2022 or March 2022, in order to give the state and county election boards time to redraw and implement new precinct boundaries following the completion of congressional, legislative and county commissioner redistricting in 2021. The measure also allows special elections to be held during the second Tuesday of June of an odd-numbered year when there is a vacancy. ●



Revenue and Taxation

The Legislature passed four measures providing income tax cuts. **HB 2962** reduces the individual income tax by 0.25 percent for all tax brackets beginning with tax year 2022. As a result, Oklahoma's top marginal individual income tax rate will be 4.75 percent. The measure also restores refundability of the Earned Income Tax Credit.

HB 2960 reduces the corporate income tax from 6 percent to 4 percent. **HB 2961** and **HB 2963** mirror the tax cut for banking entities and pass-through entities, respectively.

HB 2866 extends the time period in which the credit against the banking privilege tax may be claimed, applying it to guaranty fees paid on or after January 1, 2022, and before January 1, 2025.

HB 2893 and **HB 2894** eliminate the second year of an insurance premium tax apportionment change created in 2020, restoring them to their original schedules. **HB 2893** adjusts apportionments to the Oklahoma Police Pension and Retirement System, the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Law Enforcement Retirement System, and the Education Reform Revolving Fund, and **HB 2894** adjusts apportionments to the Teachers' Retirement System Dedicated Revenue Revolving Fund and the Education Reform Revolving Fund.

HB 2932 prohibits any state executive branch entity from utilizing

HB 2960 Corporate income tax rates	
Oklahoma	4 percent
New Mexico	4.8 to 5.9 percent
Colorado	4.55 percent
Kansas	4 to 7 percent
Missouri	4 percent
Arkansas	1 to 6.2 percent
Louisiana	4 to 8 percent
Texas	Imposes gross receipts taxes rather than corporate income taxes
Source: The Tax Foundation	

federal funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act in a way that will or will likely increase the demand for state-appropriated funds without the express authorization of the Legislature. These provisions apply to any federal funds allocated by an act of Congress or pursuant to any federal administrative or agency rules on or after December 1, 2020.

SB 608 creates the Filmed in Oklahoma Act of 2021 and provides for an incentive rebate program, administered by the Oklahoma Department of Commerce (ODOC) and the Oklahoma Tax Commission (OTC), for certain film and television series filmed or produced in

Oklahoma. The total amount of rebate payments conditionally pre-qualified by the department each fiscal year must not exceed \$30 million, split into \$7.5 million for projects with total expenditures of less than \$7.5 million and \$22.5 million for projects with total expenditures of \$7.5 million or more. The base incentive amount is a maximum of 20 percent of the qualified production expenditure amount, and there are varying additional incentive amounts for certain qualifying projects. The measure also creates the Filmed in Oklahoma Program Revolving Fund for the purpose of paying the rebates. The provisions of the measure expire on June 30, 2031, at which point any money remaining in the Fund will be transferred to the General Revenue Fund.

HB 2234 creates the Driving on Road Infrastructure with Vehicles of Electricity (DRIVE) Act of 2021. The measure creates a \$0.03 per kilowatt-hour tax on the electric current used to charge the batteries of electric vehicles, beginning January 1, 2024. The tax does not apply to electric vehicles charged at a private residence, and legacy chargers and public charging stations that have never charged a fee for their use are exempt from remitting the tax until November 1, 2041. Beginning July 1, 2027, 85 percent of the revenue will be apportioned to the DRIVE Revolving Fund and 15 percent will be apportioned to various counties of the state to be used for highway maintenance and operations. The

measure also provides for a tax credit not to exceed the total amount of registration fees for electric vehicles paid by the taxpayer beginning tax year 2024. A related measure, **SB 600** provides that this tax does not apply to electric vehicles charged at stations with a charging capacity of less than 50 kilowatts and charging stations that do not require payment for use. The measure directs OTC to promulgate rules for the purpose of determining a percentage basis equivalent tax, which is to be recalculated annually.

HB 1712 creates the Road User Charge Task Force, which is directed to study methods that may be used to record and report public road usage, as well as alternatives to the current system of taxing highway use through motor vehicle fuel taxes. Its report on findings and recommendations is due by December 31, 2023. The measure directs OTC to administer collection of any charges or fees associated with the Road User Charge Program. The task force terminates by June 30, 2024.

HB 2860 creates the Oklahoma Remote Quality Jobs Incentive Act with the stated intent to attract growth industries and sectors to Oklahoma to employ remote workers. The measure provides for quarterly incentive payments for a 10-quarter period for proxy establishments that meet certain qualifications, including proof of basic health benefits plans for its remote workers and meeting a certain threshold of employees and wages. Proxy establishments that receive these incentive payments are not eligible to receive any credits or exemptions provided by the Oklahoma Quality Jobs Program Act, the Small Employer Quality Jobs Incentive Act or the 21st Century Quality Jobs Incentive Act. Finally, the measure requires ODOC to submit a report triennially to the President Pro Tempore of the Senate, the Speaker of the House and the Governor no later than March 1, 2023. The report may be used for the

purpose of determining whether to continue or sunset the program.

HB 1009 increases the income eligibility limit to qualify for an additional homestead exemption, from \$20,000 to \$25,000. Monies from any federal stimulus or relief payment related to COVID-19 are excluded from the calculation.

HB 2964 exempts commercial trailers and semitrailers used to transport cargo over the highways of the state from all sales and use taxes.

HB 2946 provides a sales tax exemption for the sale, lease, rental, storage, use or other consumption of qualifying broadband equipment by internet service providers or subsidiaries if the property is directly used or consumed by the provider or subsidiary for the purpose of establishing or expanding broadband services in underserved or unserved areas. The exemption will be administered as a sales tax rebate and is capped \$42 million each fiscal year. A related measure, **HB 2040**, directs the Rural Broadband Expansion Council to develop a set of broadband incentive award guidelines for recommendation to the State Legislature on or before October 31, 2021. Incentives awarded will be based upon the area's need for services, whether there are existing broadband assets in the area, whether existing resources have been allocated to the area, a preference for partnerships, and the capacity of the provider to maintain assets for an extended period of time. Additionally, **HB 2297** defines *fixed wireless broadband Internet service provider* as used in the Ad Valorem Tax Code as an entity that solely offers internet access through a stationary fixed point-to-point connection and clarifies that such providers are not included in the definitions of *transmission company* and *public service corporation*.

HB 1935 provides a sales tax exemption for sales of tangible personal property or services used solely for construction and remodeling

projects to a 501(c)(3) organization if the project has a primary purpose to sell affordable housing for low-income residents, serves public or charitable purposes, and receives funding, charges fees and pays employees in a way that does not incentivize workers to act other than in the best interest of its clients. The measure also provides a sales tax exemption for the sales of tangible property to a nonprofit entity organized prior to January 1, 2022, that provides assistance following a disaster as defined in the measure. Assistance must emphasize repair or restoration to single-family residential dwellings or the construction of a replacement single-family residential dwelling. The entity must expend at least 75 percent of its funds on the restoration to single-family housing following a disaster to be eligible. Lastly, the measure provides a tax exemption for sales of tangible personal property or services to the University Hospitals Trust (UHT) and a tax exemption for transfer of tangible personal property or services to or by UHT or a nonprofit entity in a joint operating agreement with UHT. The bill repeals **SB 79**, which also provided a tax exemption regarding UHT, in order to maintain consistency in statute. A companion measure, **HB 2874**, requires the University Hospitals Authority to report the total value of the sales tax exemption to the House, Senate, Governor, and the chairs of the appropriations committees in each chamber, for the fiscal year beginning July 1, 2024. The report must also include the total number of filled resident positions and number of nursing graduates of the University of Oklahoma Health Sciences Center compared to the baseline numbers for fiscal year 2021. UHT must verify that any nonprofit entity subject to the exemption meets certain qualifications regarding the number of residency positions and nursing graduates. An additional companion measure, **HB 2949**, clarifies that the sales tax exemption is effective July 1, 2022.

SB 261 creates the Oklahoma Student Borrower's Bill of Rights Act, which prohibits student loan servicers from:

- Directly or indirectly defrauding or misleading student loan borrowers;
- Engaging in deceptive practices, like misrepresenting the amount of the loan, the nature or terms of fees, or the borrower's obligations;
- Obtaining property by fraud or misrepresentation;
- Incorrectly applying or failing to apply a student's loan payments to the outstanding balance;
- Providing inaccurate information to a credit bureau about a borrower;
- Refusing to communicate with an authorized representative of the student loan borrower;
- Failing to inform borrowers of the federal income repayment options; and
- Failing to inform borrowers if their loan does not qualify for loan forgiveness programs.

HB 2950 creates the Ambulance Service Provider Access Payment Program Act to ensure access to quality emergency and nonemergency transports for state Medicaid beneficiaries. The measure directs the Oklahoma Health Care Authority to, upon recommendation of the Oklahoma Ambulance Alliance, assess Oklahoma-licensed ambulance service providers a fee. Monies received pursuant to this fee will be deposited in the newly created Ambulance Service Provider Access Payment Fund. The measure specifies how the monies in the fund are to be used, provides for implementation and lists exempt entities.

HB 2910 authorizes certain state agencies to establish a Capital Account Fund consisting of funds from the agencies' standard appropriations for

the purpose of maintaining, repairing and improving agency property.

HB 2178 provides an income tax deduction to taxpayers who contribute to accounts established pursuant to the Achieving a Better Life Experience Program. For any tax year, the deduction will not exceed \$10,000 for an individual taxpayer or \$20,000 for taxpayers filing a joint return.

SB 379 reauthorizes the income tax checkoff for donations that benefit programs relating to Court Appointed Special Advocates.

SB 436 reauthorizes the income tax checkoff for donations to the Oklahoma chapter of the Y.M.C.A. Youth and Government program.

SB 601 requires OTC to pay interest on tax refunds not paid within 45 days for returns filed electronically and 90 days for all other returns, whichever is later. The measure also allows OTC to provide a later due date for the returns of individuals and certain entities if a state of emergency is declared by the Governor or upon declaration by the Internal Revenue Service to postpone deadlines in disaster areas. Lastly, the measure modifies the period of under payment for corporations to be 30 days after the due date established by the Internal Revenue Code.

SB 905 provides an income tax credit for employers of \$20 for each verified donation of blood made by an employee as part of a blood drive by an Oklahoma nonprofit blood donation organization. The measure directs OTC to annually calculate and publish a percentage by which the credits will be reduced so that the total amount of credits does not exceed \$500,000 per year. The credit is nonrefundable and sunsets at the end of tax year 2027.

SB 609 clarifies that incentives or exemptions for data processing businesses as provided by the Local Development Act are granted for a period not to exceed 25 years. The measure modifies the definition of

manufacturing facilities to include custom order manufacturing, as well as facilities that have an investment cost of at least \$500,000 with respect to assets placed into service during calendar year 2022. For subsequent years, the investment required will be increased annually based on the Consumer Price Index-All Urban Consumers (CPI-U). The measure also adjusts certain average wage requirements for entities applying for exemptions. The definitions of *facility* and *facilities* are modified to specify that the land, buildings, structures and improvements must be used directly and exclusively in the manufacturing process. Effective January 1, 2022, for establishments with a manufacturer exemption permit and facilities engaged in certain manufacturing activities, *facility* and *facilities* also includes machinery, fixtures, equipment and other personal property used directly and exclusively in the manufacturing process. The measure provides that data processing businesses can apply for exemptions for assets placed in service not later than December 31, 2021. Such businesses that have previously been granted an exemption for personal property can apply for exemptions for personal property if the property is placed in service in pre-existing buildings by December 31, 2036. The measure also specifies how properties qualifying for the exemption will be valued and assessed. Facilities engaged in cement manufacturing will have the payroll requirements waived for tax year 2021 and may continue to receive the exemption for the five-year period if all other requirements are met. Lastly, the measure strikes obsolete language regarding base payroll requirements.

SB 893 modifies the definition of *qualified employee* as it relates to the income tax credit for aerospace employees to include individuals who have been licensed as a professional engineer by the State Board of Licensure for Professional Engineers and Land Surveyors. The measure also modifies the definition

of *qualified program* to clarify that both undergraduate and graduate programs of the same discipline of engineering at an institution are qualified if either program is accredited by the Accreditation Board for Engineering and Technology.

SB 915 provides an income tax deduction to accredited investors through tax year 2026 based on their qualified equity investment in an eligible Oklahoma venture capital entity, the amount of which will be equal to the actual investment and will not exceed \$25 million for any taxable year. Records of the equity interest acquired by an accredited investor must be maintained by the investor and the eligible venture capital entity for a period of at least five years from the date the investment is made. Investments made into a company with persons related to the investor will not qualify for the deduction unless certain conditions are met. Additionally, investments will not qualify for the deduction if the investor owns 51 percent or more of the voting equity interest. OTC is directed to notify claimants if it denies the claim.

HB 1060 provides a sales tax exemption for the transfer of tangible personal property between wholly owned subsidiaries of a parent company and between a parent company and its wholly owned subsidiary.

HB 1566 requires that revenue generated from ticket sales for admission to a 501(c)(3) aquarium or an aquarium owned or operated by a public trust or political subdivision be collected and disbursed to the entity responsible for the aquarium's operations and used for promoting visitation primarily to out-of-state residents.

HB 1588 provides a sales tax exemption for sales of commercial forestry equipment to businesses engaged in logging, timber and tree farming until January 2027. The exemption is limited to sales of forwarders, fellers, bunchers,

track skidders, wheeled skidders, hydraulic excavators, delimiters, soil compactors and skid steer loaders.

HB 2780 adds unpaid mixed beverage gross receipts tax to taxes for which corporations, limited liability corporations and other legal entities are personally liable. Additionally, the measure provides that a claim for refund of erroneously paid sales taxes may only be made if a vendor refuses to honor proof of eligibility for sales tax exemptions. OTC is authorized to enter into a contract with any state agency to assist in the collection of any state tax, penalties or interest in which that agency has authority to collect and control. OTC is further authorized to garnish the accrued earnings of a delinquent taxpayer. The measure also increases the time period, from five days to 15 days, in which delinquent taxes must be remitted when OTC contracts with a debt collections agency. Additionally, the measure removes the name of the County Government Education Technical Revolving Fund and alters it to an agency special account to be used for the collection and distribution of documentary stamp revenues. Upon approval from the Commission on County Government Personnel Education and Training, OTC may distribute funds from the agency special account to the Oklahoma State University Center for Local Government Technology or the Oklahoma Cooperative Extension Service County Training Program. Finally, the measure limits the amount of incentive payments made for film production rebates to the balance of the Oklahoma Film Enhancement Rebate Program Revolving Fund.

SB 265 provides a sales tax exemption for sales of tangible personal property or services to any city-county library system.

SB 273 requires any person preparing or charging a fee for the preparation or assistance in preparation of lien notices on personal property to register with OTC and submit a \$50 annual registration fee. Any

person found to prepare or assist in the preparation of a lien notice without registration will be assessed a \$100 penalty. The provisions of this measure do not apply to a lawful possessor or employee of a lawful possessor of the property for which such notices are issued.

SB 298 extends the motor fuel remittance discount of 98.4 percent for gasoline and 98.1 percent for diesel to July 1, 2024.

SB 909 provides a sales tax exemption through December 31, 2024, for sales of tangible personal property or services to a museum that operates as part of a 501(c)(3) organization, is not accredited by the American Alliance of Museums, and has an annual budget of less than \$1 million.

HB 1990 provides that counties granting homestead exemptions to 100-percent-disabled veterans and surviving spouses may be reimbursed from the Ad Valorem Reimbursement Fund for 25 percent of their revenue loss if the number of exemptions exceeds 0.8 percent of the total county population.

HB 1121 extends the sunset date for the Oklahoma Quality Events Incentive Act to June 30, 2026. The measure requires any community hosting a quality event to submit an economic impact study to the Tax Commission. Host communities must designate dates and expenses related to the quality event 30 days prior to the event.

HB 2775 amends the definition of *cost approach* as used in the Ad Valorem Tax Code to mean a method of establishing the fair cash value of property involving an estimate of current construction cost of improvements, subtracting accrued depreciation including any loss in value that may be caused by physical deterioration, or functional and economic obsolescence and adding the value of the land. The measure also requires the Ad Valorem Division of OTC to provide schedules of values of personal

property in accordance with Uniform Standards of Professional Appraisal Practice (USPAP) and International Association of Assessing Officers (IAAO) requirements.

SB 181 eliminates the requirement that ad valorem taxes must be paid in two equal installments. Instead, payments can be made in up to two installments so long as the first installment is at least half of the owed amount and paid by January 1.

SB 825 prohibits any municipality that levies a dedicated tax pursuant to a vote of the people for the purpose of funding public safety or any other governmental purpose from redirecting all or a portion of the dedicated tax revenue to any other purpose without a vote of the people.

SB922 creates the Invest in Oklahoma Act and requires ODOC to establish an Invest in Oklahoma program to provide entities in the state with funds to invest in Oklahoma-based private equity funds, venture capital funds and growth funds or funds that make substantial investments to the state. The measure directs the department to consider certain

factors when choosing which funds will qualify for the program. The department must also maintain a list of available participating funds in which public entities are encouraged to invest. The measure encourages the Board of Investors of the Tobacco Settlement Endowment Fund, the Commissioners of the Land Office, and the state's retirement systems to invest up to 5 percent of their rolling three-year assets with the approved venture capital and growth funds.

HB 2805 removes a requirement that livestock owned by a general partnership, limited partnership, corporation, limited liability corporation, estate, trust or other lawfully recognized entity must have the primary purpose of conferring economic benefits of such ownership on two or more members of the same family in order to qualify for an ad valorem tax exemption, provided that at least 50 percent of the owners of the entity are residents of the state. The measure clarifies that animals owned wholly or in part by a publicly traded corporation or a corporation incorporated in another state do not qualify for the exemption.

HB 2397 requires title insurers to treat judgment liens in a similar manner to mortgages and allows an attorney to sign an affidavit in addition to an agent of the title insurance company.

HB 2398 requires judgment liens to be released upon payment of the debt in the same manner as mortgages.

SB 770 reauthorizes the Wildlife Diversity income tax checkoff.

SB 838 allows a governing body of a municipality to create a public safety protection district. The district would include all territory within the municipality and be managed by the governing body which created the district. The voters of the municipality would have the power to approve creation of the district in a special election. An annual assessment of no more than 5 mills on the dollar of assessed property value would be used for operation and maintenance of the district, including purchasing and maintaining public safety equipment, payment of salaries and benefits for municipal first responders, or payment for emergency medical services. ●



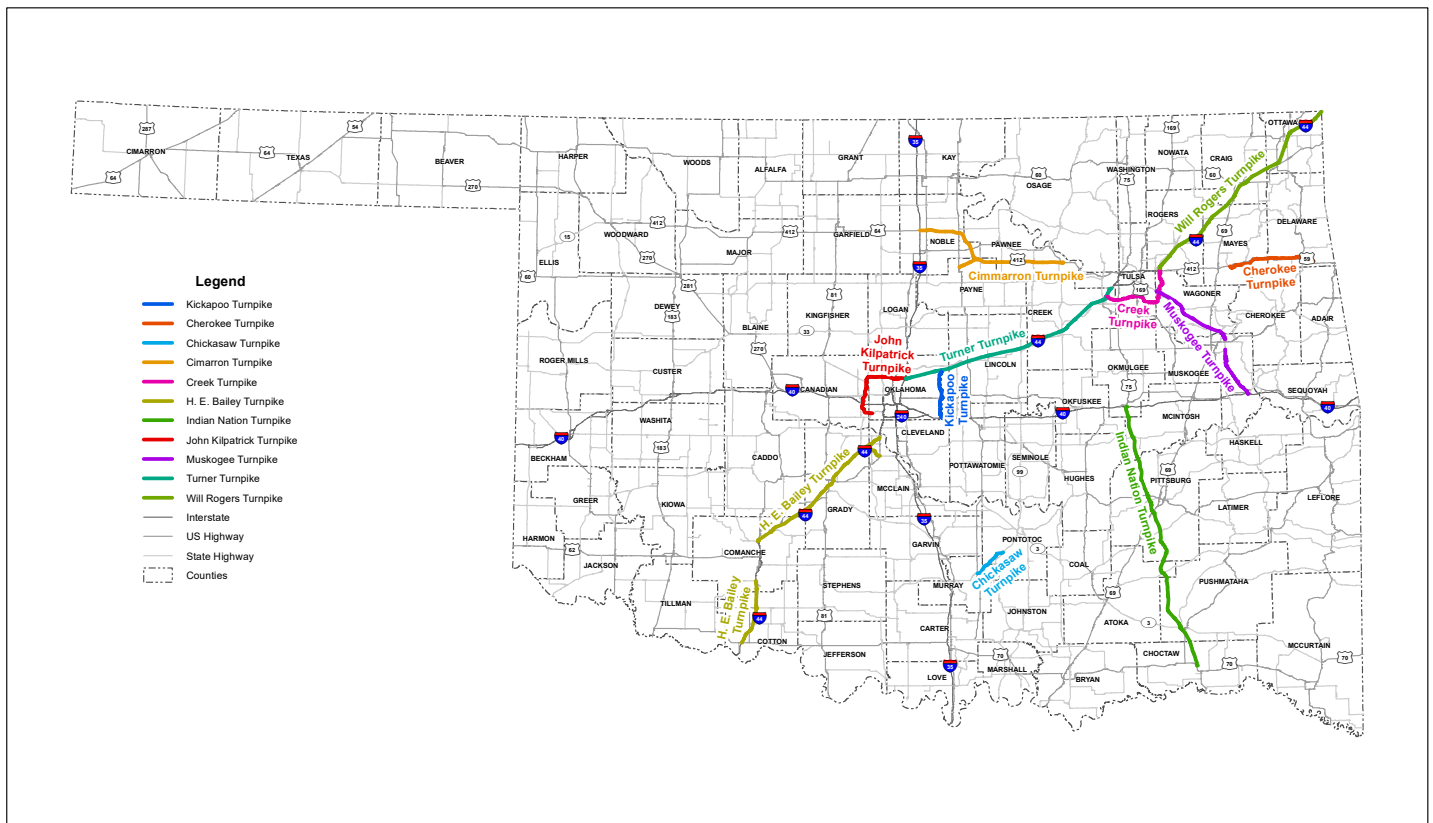
Transportation

HB 1788 allows implementation of a cashless system for Oklahoma's turnpikes, which can be seen in the map below. The measure defines *video toll collection system account* and requires an owner's vehicle to be registered with the Oklahoma Tax Commission (OTC) or similar registering agency that permits access to registration information with the Oklahoma Turnpike Authority. The owner or operator

of a vehicle may be required to pay an extra fee if they fail to pay an invoice in a timely manner. The bill also prohibits operating a vehicle on a turnpike if the registered owner is liable for outstanding toll violations.

HB 2079 establishes the Rural Economic Transportation Reliability and Optimization Fund, to be administered by the Oklahoma Department of Transportation (ODOT). Monies in the fund are

used to assist in prioritization of construction and maintenance of state highways in rural areas where economic development has resulted in traffic problems. ODOT is directed to confirm the relationship between rural traffic concerns and economic development in consultation with the Department of Commerce (ODOC), OTC, or other state agencies as necessary. Monies in the fund must not result in a decrease in



transportation funding levels or be used to supplant or replace existing transportation funds.

HB 2892 changes the counties' allocation of revenue from the Oklahoma Vehicle License and Registration Act. Beginning July 2021, 25 percent of the monthly allocation that would otherwise be credited to the County Improvements for Roads and Bridges Fund (CIRB) will be distributed directly to the counties: one-third of the funds distributed in proportion by area, one-third by proportional share of county road miles, and one-third by proportion based on bridges in a county. For FY 2021-26, the allocation will be based on the yearly ODOT Bridge Summary Reports for obsolete or deficient bridges; beginning in 2026, it will be based on the number of bridges in each county according to the ODOT 2020 Bridge Summary Report.

HB 2895 updates the funding mechanism for the Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund. The measure apportions \$80 million to the fund for the purpose of making required payments for principal, interest or other costs of borrowing, and further authorizes apportionment of an amount necessary to bring the amount in the fund up to \$575 million for FY 2021 and \$590 million for FY 2022 and every year after.

HB 2896 authorizes the Oklahoma Capitol Improvement Authority to issue bonds to raise \$200 million to fund construction and maintenance of highway and bridge assets identified in the ODOT 8-Year Plan.

SB 1082 requires ODOC to use \$1.5 million of its appropriated funds to implement the Aerospace Commerce Economic Services Act and \$15 million to implement the Oklahoma Accelerator Program.

SB 549 prohibits issuance by ODOT of a relocation permit for highway signage in a municipality with a population over 500,000 that has

enacted a prohibition on outdoor advertising signs.

SB 659 establishes the Oklahoma Aeronautics Commission (OAC) as the Clearinghouse for Unmanned Aircraft Systems (UAS) in Oklahoma. The OAC is directed, in its role as the clearinghouse, to cooperate, assist and coordinate among levels and agencies of government in the development of UAS, and to ensure integration of the technology into the National Airspace System. Further, the clearinghouse is directed to:

- Conduct research on UAS rules, regulations and policies of other states and municipalities;
- Organize and coordinate applications for UAS test sites, pilot programs or grant funding; and
- Maintain registries of UAS operated by state agencies and of educational institutions offering training programs.

Lastly, the OAC is designated as the agency for promotion, enhancement and development of UAS to ensure safe integration and use of this technology.

SB 967 provides that a regional transportation authority, including its contract operator and any railroad operating in interstate commerce that sells property interest or provides services to the authority, is to be considered a political subdivision for the purposes of the Governmental Tort Claims Act.

SB 1006 requires the Tri-State Commission on the McClellan-Kerr Arkansas River Navigation System (MKARNS) to coordinate with any relevant federal or state agency to identify ways to improve the navigability of the MKARNS.

SB 8 designates State Highway 69 within Oklahoma as the Historic Jefferson Highway Route.

HB 1044 is the omnibus license plate measure. The measure provides that after January 1, 2022, the registration periods for a vehicle with a physically

disabled license plate may be combined into a single registration period. The bill modifies the name of the Gold Star Parents license plate to the Gold Star Families license plate and allows siblings, half-siblings or grandparents to obtain the plate. The bill modifies the name of the Veterans of Foreign Wars license plate to be the Oklahoma Veterans of Foreign Wars plate. The measure authorizes OTC to enter into a licensing agreement with the Historic Greenwood District Juneteenth Festival for any licensing fees which may be required to use the Festival's logo or design. The measure also provides that the Tax Commission is authorized to enter into licensing agreements with any organization for any licensing fees that may be required to use the organization's logo or design for any special license plate. The measure creates or reauthorizes the following license plates:

- America First;
- Blue Star Mothers;
- Epilepsy Foundation;
- Guthrie Street Kings;
- Historic Greenwood District Juneteenth Festival;
- Killed in Action;
- National Defense Service Medal;
- Navy Chief;
- New State Brand;
- Oklahoma Aquarium;
- Oklahoma Golf;
- Oklahoma Institute for Child Advocacy;
- Oklahoma Renewable Energy;
- Oklahoma Veterans of Foreign Wars Auxiliary;
- Paramedic;
- Scottish Rite Masons;
- Stillwater Public Schools;
- Transportation to Transportation;
- Tulsa Community College;

- Tulsa Flag;
- University of Oklahoma RUF/NEKS; and
- Veterans of the United States Armed Forces.

SB 624 designates the following memorial bridges or highways:

- Ada Lois Sipuel Fisher Memorial Bridge;
- Addie Kate Colvard Memorial Bridge;
- Bud Martin Memorial Bridge;
- Capt. David Arthur Peters Memorial Highway;
- Carolyn Woods Memorial Bridge;
- Congressional Medal of Honor Recipient Edward A. DeVore, Jr. Memorial Bridge;
- Corporal Kyle Jeffrey Davis Memorial Highway;
- County Commissioner Roy Rains Memorial Highway;
- Creede Speake, Jr. Memorial Highway;
- CSM junior H. Honeycutt Memorial Highway;
- Deputy Jarid Taylor Memorial Highway;
- Deputy Robert L. Criswell Memorial Bridge;
- James Amos Callins Memorial Bridge;
- Jennifer McClendon Memorial Bridge;
- Joe W. McBride Memorial Bridge;
- John L. Hayden Memorial Highway;
- Lieutenant Eugene Smith Memorial Highway;
- Lonnie D. Cook Memorial Highway;
- Maj. Charles E. Stiles Memorial Bridge;
- Martin Dyer Memorial Highway;
- Medal of Honor Recipient Sergeant John R. Crews Memorial Bridge;
- Michael W. Johnson, P.E. Memorial Bridge;
- MSGT Michael Werdehoff Vietnam MIA Memorial Bridge;
- Navy Cross Recipient CPL Russell Keck Memorial Highway;
- Officer Michael Bruce Keen Memorial Bridge;
- Paul Blevins, Jr., and Michael Rogers Memorial Highway;
- PFC Richard Tafoya Gurule Memorial Highway;
- President Donald J. Trump Highway;
- Private Robert ‘Bob’ Clark Memorial Bridge;
- Ray Davis Memorial Intersection;
- Representative Howard Paul Cotner Memorial Highway;
- “R.F.” Stephens Memorial Bridge;
- Robert L. Horton Memorial Highway;
- Sgt. Craig Johnson Memorial Highway;
- SGT John Burl Thompson Memorial Bridge;
- Sgt. Maj. Marvail Lewis Memorial Causeway;
- South Mickey Mantle Boulevard;
- SP4 Alfred Dean Hildebrand Memorial Highway;
- Speaker Pro Tempore Jim R. Glover Memorial Highway;
- SSG Michael R. Robson Memorial Highway;
- SSGT Cecil Wellman Memorial Bridge;
- Stiles Brothers Vietnam Veteran Memorial Bridge;
- Sweetwater Veterans Memorial Highway;
- Terry L. Hoggatt Memorial Highway;
- Tommy Wayne Haley Memorial Bridge;
- Trooper J.C. Magar Memorial Highway;
- TSgt Marshal D. Roberts Memorial Highway;
- U.S. Army PFC Keith N. Cantrell Memorial Bridge;
- U.S. Senator James Inhofe Interchange;
- USAF Capt. Nick Karpis Vietnam Veteran Memorial Highway;
- W.D. Bill Amis Memorial Bridge;
- William Charles ‘Charley’ Coen Memorial Highway;
- Wilmot E. Chamberlain Memorial Bridge;
- WWII Doolittle Raider-Bombardier Sgt. Robert James; and
- Zachary Charles Keever Memorial Highway.

The measure provides that the signage for the President Donald J. Trump Highway is to be paid for by the authors and coauthors of the bill, clarifies the name used for the Council woman Avalon Reece Memorial Highway and removes the statutory requirement that a person be deceased for three years. •



Veterans and Military

HB 1062 extends the homestead tax exemption for 100-percent-disabled veterans or their surviving spouses, and for surviving spouses of persons who died in the line of duty, to include those who own homes located on land owned by a city or town.

HB 2374 directs the state to establish a program to provide up to \$10,000 of financial assistance for funeral expenses of members of state military forces who die in the line of duty while serving on state active duty orders.

SB 415 allows the Oklahoma Tax Commission to disclose information to the Oklahoma Department of Veterans Affairs (ODVA) regarding individuals who qualify for the veteran's sales tax exemption. Individuals who qualify for the exemption must be registered with the veterans registry created by the department; those who have received the exemption prior to November 1, 2020, must register by July 1, 2023, to remain qualified. The measure also requires the department to verify eligibility for the exemption at the request of the Tax Commission. Lastly, the measure deletes obsolete language regarding the furnishing of information to Oklahoma wholesalers of low-point beer.

HB 2545 creates the Oklahoma Uniformed Services Employment and Reemployment Rights Act, applicable to members of the state military forces serving on state active duty or Title 32 active duty. The measure:

- Prohibits employers from discriminating against employees or prospective employees on the basis of their membership or service in state military forces;
- Prohibits employers from discriminating against any employee or prospective employee who has enforced a protection, testified, assisted an investigation, or exercised a right in regards to the Oklahoma Uniformed Services Employment and Reemployment Rights Act;
- Entitles to reemployment any person whose absence from employment is necessitated by reason of service in state military forces, provided that the person has given advance notice to their employer, is not absent for a cumulative length of more than five years, and reports or submits a reemployment application to their employer;
- Provides for exceptions to these provisions, requirements regarding application for reemployment, and order of priority when reemploying members of the same position;
- Requires the administrator of each state agency or political subdivision to submit a report annually to the House and Senate Veterans and Military Affairs committees that contains the number of persons whose reemployment with such state

agency or political subdivision was determined to be impossible or unreasonable, with the reason for that determination;

- Requires the Commissioner of Labor to provide assistance to any person regarding this act and investigate any complaints; and
- Requires each state agency and political subdivision to provide training for their human resources personnel about the rights, benefits and obligations provided in the act, and the application of its requirements.

SB 65 amends the definition of *deployed* as used in the Deployed Parents Custody and Visitation Act to include any transfer pursuant to military orders requiring presence in a foreign country.

SB 860 changes the name of the 45th Infantry Division Museum to the Oklahoma National Guard Museum and updates all statutory references to the museum. The measure also allows the museum to effect an exchange for, and sell, military artifacts, books or maps without the approval of the Office of Management and Enterprise Services and use any proceeds from such sales to fund artifact purchases and museum upgrades.

SB 285 directs ODVA to evaluate the Union Soldiers Home and determine the measures and funds necessary to meet all standards required by the United States Department of

Veterans Affairs. The measure requires ODVA to submit a report to the House and Senate by November 1, 2021, and allows the department to seek assistance from the Adjutant General and any state agency to fulfill these requirements.

SB 86 modifies the membership of the Oklahoma Veterans Commission in the following ways:

- Requires all nine members to be honorably discharged veterans;
- Reduces the number of veterans of the Vietnam Conflict from three to one;
- Increases the number of veterans of the Persian Gulf Wars from one to two;
- Requires appointments to be broadly representative of the state's veterans in terms of age, gender, and race or ethnicity;
- No longer allows the Governor to appoint an at-large member who is a nonveteran with a family member residing in a state veteran center;
- Prohibits members appointed by the Governor from being related by affinity or consanguinity within the third degree to any employee of ODVA; and
- Prohibits members from being employed by the department during their service on the commission and for two years thereafter.

SB 867 authorizes the Oklahoma Military Department (OMD) to purchase products through a General Services Administration contract without such products being on a current state contract prior to the purchase.

SB 868 provides that each federal program administered by OMD is to be regarded as an individual purchasing entity if the agency has a Certified Procurement Officer assigned to each program and makes purchases in compliance with procedures set by the department.

SB 76 exempts OMD from oversight by the Fleet Management Division of the Office of Management and Enterprise Services, as well as from certain requirements regarding vehicle disposal. The measure also strikes the requirement that the department provide an annual report regarding its motor vehicle purchases to the House, Senate and the Secretary of Finance.

HB 2508 allows the Governor to order the National Guard on state active duty in the event of an imminent or existing epidemic or pandemic. The Governor is also authorized to appoint multiple Assistant Adjutants General after considering the number of such positions recommended by the National Guard Bureau. In order to be eligible for appointment as Adjutant General, a person must be a general officer or be eligible for a Certificate of Eligibility pursuant to federal law and National Guard Bureau regulations. The measure directs the Adjutant General to:

- Develop, publish and maintain an enlisted and officer rating scheme for all billets assigned to joint forces headquarters and an organizational chart, to be updated annually, showing the chain of command between the Adjutant General and the major commands of the Oklahoma National Guard;
- Designate a State Judge Advocate from the judge advocates duly commissioned in the state military forces; and
- Promulgate regulations for military trial judges and magistrates conducting military trial proceedings.

The State Judge Advocate will provide legal counsel to the Adjutant General and, as requested, to the other senior leaders of the state military forces.

The measure provides that a military magistrate must be a member of the bar of a federal court or the highest court of the state and specifies who may not be a military magistrate.

No military magistrate may issue warrants or court orders for contents or records of wire or electronic communications.

Additionally, certain military trial judges may not review certain trial records if the judge served as an assistant attorney general, district attorney, assistant district attorney, or municipal prosecutor who determined whether to prosecute certain nonmilitary offenses. Any officer or employee of the state or political subdivision who is not a member of the state military force is entitled to military judicial leave from their regular employment when serving as a military trial judge or an appellate military trial judge. Statutory language establishing criminal procedure in district courts will not apply to court martial proceedings, and where statutory language conflicts within any appellate provisions in the Oklahoma Uniform Code of Military Justice, the conflicting statutory language will not apply to appellate proceedings arising from court-martial proceedings.

The measure also adopts civil law protections established in the federal Servicemembers Civil Relief Act as state law and applies them to state military forces on state active duty or Title 32 active duty. The bill classifies members of the state military forces on state active duty or Title 32 active duty as state employees, regardless of where their duties as employees are being performed, and clarifies that the state is not liable for losses or claims resulting from the activities of state military forces on state active duty or Title 32 active duty.

SB 114 repeals the Agent Orange Outreach Commission, the Gulf War Syndrome Outreach Commission and priority applications at the Oklahoma Veterans Home.

HB 2944 authorizes the Oklahoma Capitol Improvement Authority to issue obligations to acquire property to develop and provide \$45 million in funding for a new Oklahoma National Guard Museum. Upon final redemption of the obligations, the title

to the property and improvements will be transferred to OMD.

SB 853 exempts purchases by OMD of heraldry items, including medals, badges and other military accoutrements, from requirements of the Oklahoma Central Purchasing Act.

SB 62 extends the Oklahoma Strategic Military Planning Commission to 2025. ●



Appendix I

Summary of Vetoes

HB 1010 would have created an Advisory Council on Traumatic Brain Injury and required the Department of Health to establish and maintain a central registry of persons who die or are hospitalized from traumatic brain injuries. The measure would have also authorized the implementation of programs for assistance, education and other preventive programs after receiving advisory council recommendations.

Governor's Veto Message:

HB 1010 was pocket vetoed, meaning the Governor did not take any action on it 15 days after sine die.

HB 1090 would have clarified the authority of the Governor to request that the State Auditor and Inspector examine books and accounts of public officers and other governmental entities, as well as the authority of the State Auditor and the Performance Audit Division to examine books and accounts independently of a request.

Governor's Veto Message:

House Bill 1090 would empower the State Auditor and Inspector to audit all books and accounts of any public officers, institutions, and other governmental entities without first receiving a request from the Governor, the chief executive officer of an agency, or a resolution from the Legislature. The change is a dramatic departure from existing state law and established practice and procedure.

“[The bill] would create a system where the State Auditor and Inspector

is not accountable to any other arm of state government, which would fundamentally alter our system of checks and balances in Oklahoma. The existing law already requires that the agency being audited bear the cost of the audits. This could unnecessarily burden state agencies preventing them from performing their authorized statutory and constitutional duties.”

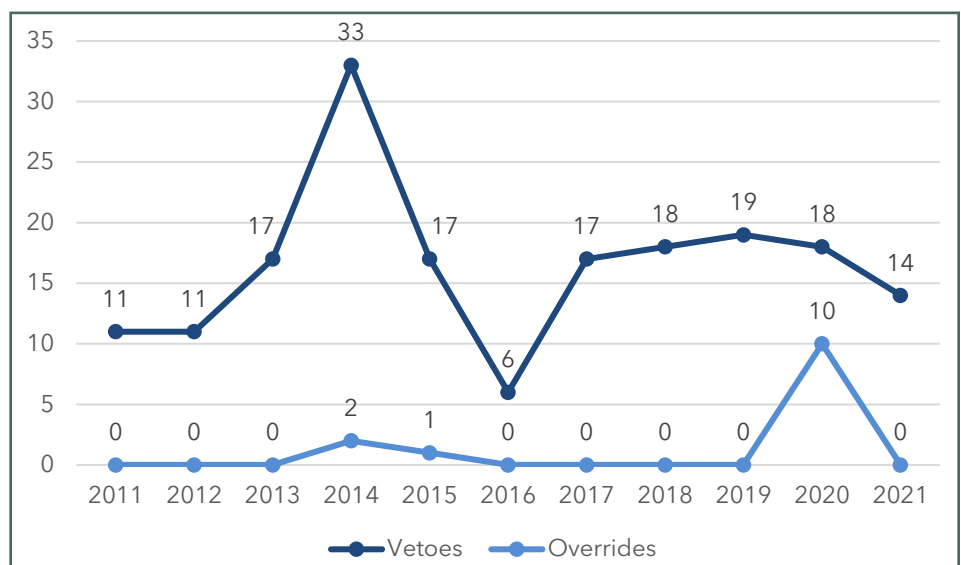
HB 1598 would have allowed personnel approved by the State Department of Education to conduct vision screenings of first and third graders and authorized the department to approve the vision screeners.

Governor's Veto Message:

“Though vision screening plays an important role in a child's education, House Bill 1598 is duplicative and not in the best interest of Oklahoma

children. The State Department of Education is not the appropriate state entity to approve healthcare providers, including vision screeners, and lacks the subject matter expertise to develop appropriate standards and procedures for such healthcare providers to follow. These important vision screenings will continue to take place under Oklahoma law. This veto ensures that oversight of these health-related screenings remains in the sole purview of the Department of Health.”

HB 1849 would have created a sales tax exemption for parent-teacher associations that are sanctioned by a school district, and for school support organizations, defined as sanctioned non-profit organizations that collect funds in support of a school organization, club, or activity of a school.



Governor's Veto Message:

"This bill creates a new exemption that unnecessarily complicates the tax code."

HB 2088 would have exempted the legislative and judicial branches of state government from fees and costs from services rendered by an executive agency.

Governor's Veto Message:

"Accountability and transparency remain top priorities for me and my Administration. It is crucial that all of state government remains responsible to the Oklahoma taxpayer. State agencies, as well as the Legislature and Judiciary, have a duty to manage those dollars in a responsible and efficient manner. This is why our state entities are billed for services they consume and provide.

"House Bill 2088 would exempt the Legislature and Judiciary from fees and costs of services rendered by appropriated state agencies. While I recognize these branches provide vital functions to the state, this exemption shifts responsibility from one state entity to another, while all other state entities are required to manage their own costs of services directly. Further, House Bill 2088 contains no language guaranteeing additional appropriation to cover the cost of services to be provided to the Legislature and Judiciary, potentially resulting in a costly negative fiscal impact in the future. This unnecessary shift in responsibility does not comply with this Administration's standards of accountability and transparency."

HB 2090 would have expanded the Rural Broadband Expansion Council from 14 to 16 members, added a member to represent a wireless service provider and one to represent a Native American tribe. The measure would have also directed the council to develop a set of broadband incentive award guidelines as a recommendation to the legislature. The measure also included updated and new definitions

for high speed Internet access service and broadband.

Governor's Veto Message:

"House Bill 2090 makes changes to the recently created Rural Broadband Expansion Council. It adds two new members to an unnecessary task force.

"Digital transformation has been and remains a top priority for my Administration. Shortly after taking office, this Administration created a broadband task force and brought together key stakeholders to focus on improving broadband in our state. As a result, our state's broadband service has improved from 47th to 25th in the nation during my time in office. We brought together key players in this arena and the Administration's task force yielded great results. This legislation does nothing to improve a duplicative task force."

HB 2313 would have required the Office of Juvenile System Oversight to conduct inspections of privately operated children's facilities not less than annually or as needed.

Governor's Veto Message:

"HB 2313 would subject private children's facilities to additional and unnecessary inspections. Currently, these facilities are already subject to regular inspections by the Department of Human Services. Further, these facilities are subject to additional inspections whenever a complaint is made. House Bill 2313 would allow the Office of Juvenile System Oversight to conduct further inspections of privately operated children's facilities in addition to the inspections listed above. Creating additional inspection requirements at this time is unduly burdensome without actually increasing the safety of children."

HB 2500 would have modified the qualifications to serve on the Oklahoma Abstractors Board by allowing a person who is a licensed abstractor who has held an Oklahoma abstract license for five years in the county in the district from which

the member is appointed to serve on the board.

Governor's Veto Message:

"House Bill 2500 would change Oklahoma law by adding a vague restriction to an already burdensome list of qualification for six of the nine members of the Oklahoma Abstractors Board. Such a change increases the regulated industry's control of its own rulemaking process."

HB 2510 would have allowed the Opioid Abatement Grants Program to be used to address the needs of parents caring for babies with neonatal abstinence syndrome and to reimburse attorney's fees and expenses directly related to opioid litigation incurred as part of legal services agreements entered into with the state.

Governor's Veto Message:

"[House Bill 2510] is a highly improper use of state resources. The Abatement Fund is rightfully designed to help Oklahomans by Opioid Addiction – not pay attorneys who have already been compensated for their efforts in suing pharmaceutical companies."

SB 222 would have modified the definition of *bullying* within the School Safety and Bullying Prevention Act to include behavior that is repeated or highly likely to be repeated.

Governor's Veto Message:

"Senate Bill 222 would greatly expand the definition of "bullying." While the intentions behind this expansion are understandable, the potential for unintended consequences is considerable. Given that many school districts have "zero tolerance" policies in place for bullying, relatively minor offenses could be met with disproportionate consequences. Further, the practically catch-all nature of the expanded definition opens the door to innocent behavior being treated as "bullying" by the overzealous authorities. Serious bullying demands our attention and must be addressed. Senate Bill 222,

by broadening this definition in such a fashion, risks diverting attention from protecting those most in need of care.”

SB 236 would have exempted sales of articles of clothing to the Oklahoma chapter of the national, nonprofit organization designated as Operation School Bell from the sales tax. The organization distributes clothing to disadvantaged children through a community-based philanthropic program.

Governor’s Veto Message:

SB 236 was pocket vetoed, meaning the Governor did not take any action on it 15 days after sine die.

SB 419 would have allowed teachers to use a student’s highest score of the U.S. History exam to calculate their final grade in the social studies class the student is taking that year.

Governor’s Veto Message:

“This Administration has prioritized the importance of local control of education. Senate Bill 419 is an example of legislative overreach into the classroom. The State should not dictate to a school district how to calculate a student’s grade. Further, enactment of Senate Bill 419 opens the door to other legislative encroachments on the abilities of school districts to set their own grading policies.”

SB 500 would have directed the Oklahoma Tax Commission to collaborate with the State Department of Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce to create and publish an annual report documenting the amount of increments of local taxes and fees apportioned pursuant to the Local Development Act.

Governor’s Veto Message:

“Senate Bill 500 would require a city, town, or county to prepare and post on its website a disclosure report for any tax incentive financing (TIF) district it establishes. By their very nature, TIFs address local tax incentives

and exemptions, not state taxes. While this information is already available and these municipalities are free to publish such a report on their own, SB 500 adds additional red tape. I have heard from multiple municipalities that this would be burdensome. My Administration is committed to decreasing bureaucracy, not adding to it. This Bill represents an unnecessary level of state government intrusion into a matter of local government.”

SB 821 would have added to the definition of pharmacy benefits management to exclude the activities of an employer or union that, operates a pharmacy or directly contracts with a pharmacy. It also would have excluded activities of a third party in assisting an employer or union with the administration or claims, billing, or payment processing.

Governor’s Veto Message:

“Senate Bill 821 attempts to extend restrictions on the management of pharmacy benefits in such a way that would slow innovation in the delivery of health care in Oklahoma and it places an undue burden on employers. More importantly, the cost of this burden would be passed onto Oklahoma employees. Businesses from across the state that are self-insured and/or have ERISA [Employee Retirement Income Security Act]-governed plans are not pharmacy benefit managers. Unfortunately, Senate Bill 821 treats them as if they are and entangles them in red tape and compliance costs. Businesses across the state have spoken out on behalf of their employees, advocating for them to be protected from prescription drug cost increases.” ●



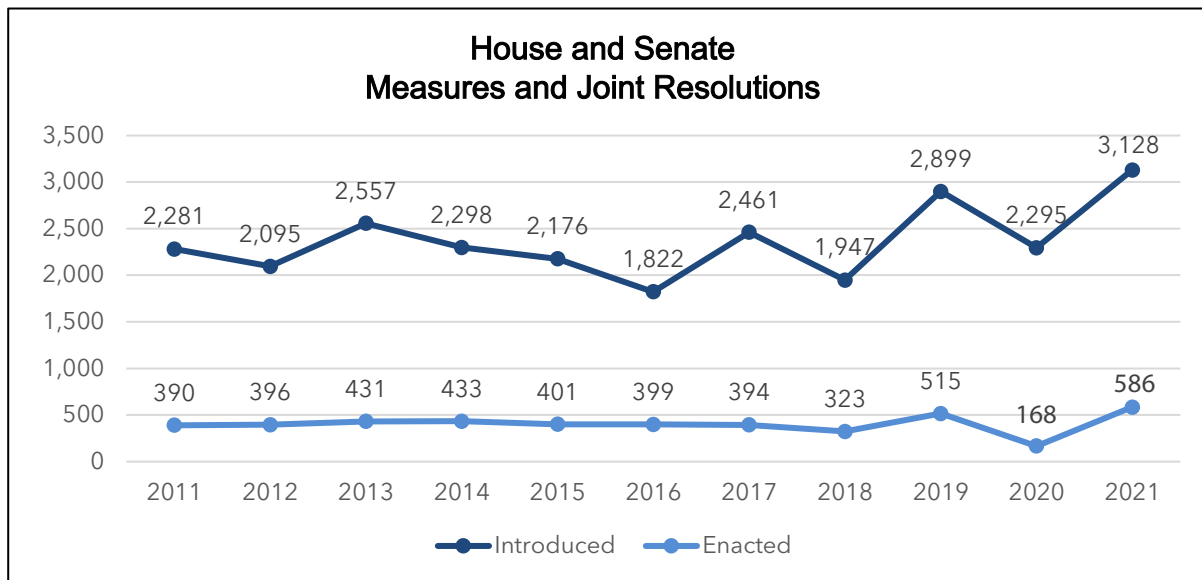
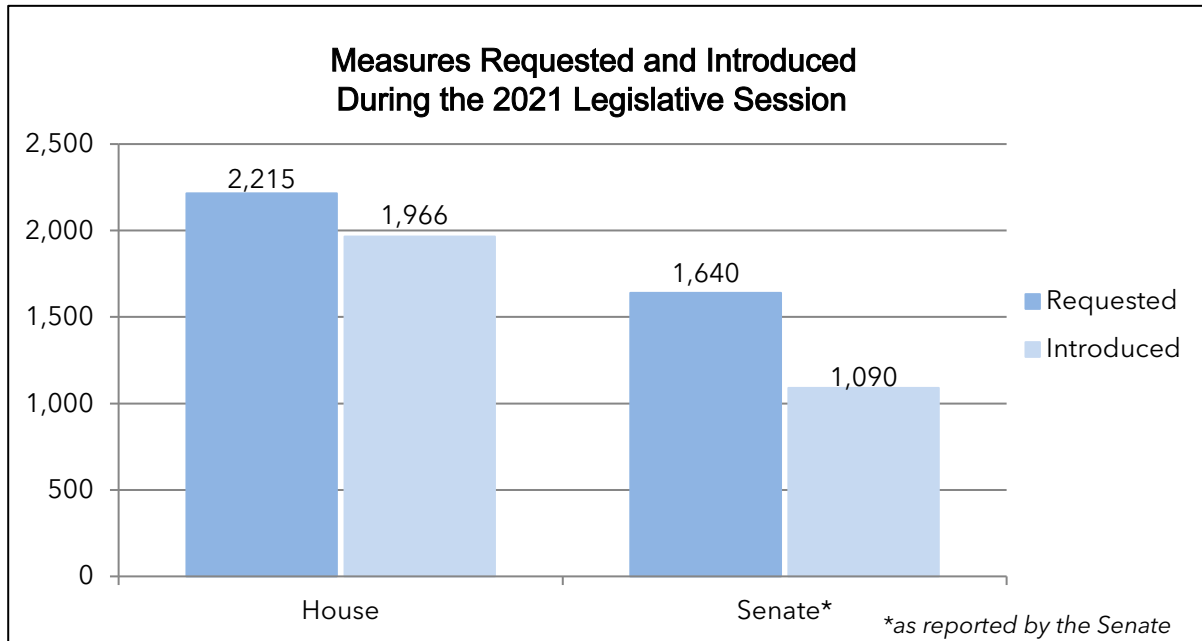
Appendix II

Legislative Production

	House Bills	House Joint Resolutions	Senate Bills	Senate Joint Resolutions
Requested	2,215	52	1,640*	35*
Introduced	1,966	46	1,090	26
Sent to Opposite Chamber	448	2	478	1
Conference Granted	26	0	44	0
Sent to Governor	298	1	300	1
Approved by Governor	288	1	294	1
Filed with Secretary of State	0	0	0	0
Vetoed	9**	0	5**	0
Line Item Veto	0	0	0	0
Veto Override	0	0	0	0
Law Without Signature	1	0	1	0

**As reported by the Senate*

***Includes one pocket veto*





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Industrial hemp; authorizing remediation of hemp under certain conditions. **SB 460**

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Certified Beef labels; requiring labels meet certain definition. **HB 2364**

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Employers:

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Schools; providing for the designation of certain school district campus as a Purple Star Campus; providing criteria for designation. **SB 54**

Schools; requiring provision of certain information to parents; prohibiting certain entities from implementing specified requirements; establishing criteria for implementation of mask mandate. **SB 658**

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