

2022 Session in Review

Measures passed during the Second Session and Second Extraordinary Session
of the 58th Oklahoma Legislature

Charles McCall, Speaker | Oklahoma House of Representatives





Prepared by

Research Division

Oklahoma House of Representatives

Brad Wolgamott, Research Director

Quyen Do, Redistricting Coordinator/Deputy Research Director

Dan Brooks, Research Analyst

Emily Byrne, Research Analyst

Tricia Hines, GIS Coordinator/Policy Analyst

Emily McPherson, Research Analyst

Suzie Nahach, Research Analyst

Keana Swadley, Research Analyst

Lori Oldham, Supervisor/Assistant Control Clerk

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The inside of the new Capitol Museum, which opened in 2022.



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Introduction

The second session of the 58th Oklahoma Legislature ended with historic investments in Oklahoma's future by focusing on modernization of critical infrastructure. Major investments in healthcare, broadband, workforce initiatives, and the elimination of the developmentally disabled waiting list were but a few of the highlights of the year. The Legislature also took great care in planning for the future by establishing a process to allocate federal dollars coming to the state from the American Rescue Plan Act of 2021.

Another great accomplishment was seen with the enactment of the General Appropriation bill, **SB 1040**, which funds public services important to all Oklahomans, including education, health and mental health care, transportation, law enforcement and public safety and many other areas, as well as record amounts of investments in economic development. ●



The outside of the new Capitol Museum, which opened in 2022.



Agriculture, Environment and Wildlife

The Legislature refined agriculture policy related to industrial hemp and swine exhibitions and aimed to streamline water quality management, which was previously split between two agencies.

Agriculture

HB 4412 creates a program within the Oklahoma Conservation Commission to promote farming and ranching practices that increase the health, yield, and profitability of the soil using baseline soil assessments, landowner education, and grants to technical assistance providers.

HB 1512 gives the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) the sole authority to regulate agriculture structures, livestock facilities and agricultural equipment in unincorporated areas. The planting of medical marijuana crops are exempt from the measure.

HB 2983 modifies the best management practices for poultry feeding operations by requiring poultry waste applicators to meet standards set by administrative rules, rather than standards set by the USDA Department of Natural Resources Conservation Service. ODAFF is directed to promulgate the rules.

HB 3430 requires swine exhibitors to provide a federal or state location identification number and an individual identification prior to brucellosis and pseudorabies testing. The measure provides three testing options for

exhibition swine. Exhibitors must ensure their swine:

- Adhere to the testing schedule for fall and spring shows and meet documentation requirements;
- In the case of out-of-state swine, meet provisions for out-of-state swine that are in OAC 35:15-22-33; or
- Originate from a validated-qualified herd and meet documentation requirements.

HB 3439 amends the Oklahoma Industrial Hemp Program. The measure:

- Adds definitions for distinct parts of the plant;
- Provides a framework for remediation of industrial hemp that exceeds the allowed 0.3 percent concentration of THC but is less than 1 percent;
- Allows the licensee to remediate noncompliant hemp on site, or transport it to a remediation facility after informing the State Board of Agriculture; and
- Allows licensees to sell industrial hemp, excluding the flower, to livestock or pet feed manufacturers.

HB 3261 designates the American Quarter Horse as the state horse.

HB 3429 authorizes a county to electronically submit a record of conviction for larceny of livestock to

ODAFF for placement on the Livestock Offender Registry in lieu of sending a paper copy of the judgment and sentence.

SB 1091 directs ODAFF to develop a grant program for municipalities to mitigate the extraordinary costs incurred by municipality owned or controlled unregulated utilities affected by the 2021 winter storm. Municipalities must show proof that it incurred the costs and must have a population of 3,500 or less. Additionally, the municipality must not have had costs mitigated by securitizations as provided for in current law. ODAFF must provide a report of the municipalities that applied for and utilized the grant program no later than February 1, 2023.

Environment

SB 1325 transfers the enforcement of Oklahoma's Water Quality Standards from the Oklahoma Water Resources Board (OWRB) to the Department of Environmental Quality (DEQ).

HB 3824 authorizes DEQ to apply site-specific criteria to effluent water quality standards to issue a permit variance, so long as they are implemented by the permitting or rulemaking process that meets requirements for public comments. The current process requires the applicant to petition both OWRB and DEQ.

HB 3382 creates a maximum administrative penalty of \$5,000 per day for violating groundwater

and stream-water use policies. The measure also increases the maximum fine from \$250 to \$1,000 for persons found guilty of a misdemeanor offense for groundwater use violations.

HB 4001 requires any corporation borrowing money, securing any indebtedness or accepting grants from the federal government that entitle the corporation to a protected service area to first establish a water district that will define the protected service area.

HB 2959 appropriates \$3 million from funds appropriated to OWRB to the Emergency Drought Relief Fund.

Wildlife

SB 1696 requires the following annual hunting and fishing licenses to expire one year after their issue date, rather than June 30 or December 31:

- Hunting license for nonresidents hunting game other than deer, antelope, elk or bear;
- Hunting license for residents and resident youth;
- Hunting/fishing combination license for residents and resident youth;
- Fishing license for residents and resident youth; and

- Fishing license for nonresidents.

Unless otherwise specified, all other licenses will expire on December 31 the year it was purchased.

SB 1809 modifies penalties for headlighting and creates an exception for headlighting, which is the use of a powerful light while hunting at night. The measure:

- Increases the minimum fine for those found guilty of the first headlighting offense from \$250 to \$1,000;
- Increases the minimum fine for a second headlighting offense from \$500 to \$2,000;
- Allows the district attorney to request that hunting and fishing license privileges be revoked for between one and 10 years. The offender will pay reinstatement fees if they previously had a lifetime license: \$200 for resident; \$500 for nonresident; and
- Creates an exception that allows a landowner or agricultural lessee to hunt coyotes or feral swine with a headlight in order to protect marketable agricultural crops or livestock, as long as it isn't deer gun season.

A person who has pleaded guilty or has been convicted of violating headlighting laws must wait three years before they hunt nuisance coyotes or feral hogs at night.

HB 4281 removes the requirement for signage at the corners of perimeter fences that notifies others about the use of lethal coyote getters, which are spring-triggered devices that emit cyanide or another poisonous gas.

HB 3639 removes obsolete dates to clarify the fees associated with nonresident hunting licenses for deer gun, primitive firearms and archery.

HB 3640 increases the penalty for bringing a dog, gun or bow into a wildlife refuge to a range of \$100 to \$1,000. Subsequent violations may result in the suspension of privileges to hunt or trap within a refuge or wildlife management area.

SB 1571 adds air bows as a legal hunting method when rifles are a legal means of take, as long as the hunter has obtained a \$20 stamp from the Oklahoma Wildlife Conservation Commission. ●



Alcohol, Tobacco and Controlled Substances

This session, legislators focused on shoring up regulations for medical marijuana businesses, with an emphasis on grow operations and testing practices.

Medical Marijuana

SB 1543 separates the Oklahoma Medical Marijuana Authority (OMMA) from the State Department of Health (OSDH), making it a separate and distinct agency, and directs the Office of Management and Enterprise Services (OMES) to coordinate the transfer of records, property, funds, and other assets. OSDH and OMMA may enter into an agreement for the transfer of personnel. No employee may be transferred without written consent of the employee, and all employees who are transferred will not be required to accept a lesser grade or salary and will retain leave, sick, and annual time and retirement and longevity benefits. The Executive Director of OMMA is to be appointed by the Governor with advice and consent from the Senate.

The measure eliminates the Medical Marijuana Advisory Council, and gives OMMA the authority to investigate violations of criminal medical marijuana laws, seize illegally held product, refer evidence, reports, or charges to appropriate law enforcement authorities, and aid enforcement authorities in prosecutions of violations of the Oklahoma Medical Marijuana and Patient Protection Act. Additionally, the Executive Director may conduct hearings, issue

final agency orders, and impose disciplinary action for violations of medical marijuana state laws. These actions may also be delegated to an administrative law judge, whose order will become the final order of OMMA without further proceeding unless there is a request for rehearing, reopening, or reconsideration.

HB 3208 directs OMMA to establish a two-year moratorium on issuing business licenses for dispensaries, processors, and commercial growers beginning August 1, 2022. The moratorium does not apply to licensure renewal to applications received on or before that date. The executive director of OMMA may terminate the moratorium at any time if they determine all pending licensing reviews, inspections, or investigations have been completed. The measure also prohibits change in ownership of a business if the licensee has a current violation that may necessitate revocation, suspension, or nonrenewal of the license.

SB 1511 prohibits any medical marijuana commercial grower from being within 1,000 feet of any public or private school, as measured from the nearest property line of the school to the nearest property line of the licensed grow operation. Grow operations are also prohibited from adjoining to or being located at the same physical address of any public or private school. Grow operations that met these requirements at the time of its initial licensure will be permitted to continue operation at its licensed

premises. Additionally, if a school is established within 1,000 feet of a grow operation after the operation has been licensed, these requirements will not be a deterrent to renewal of the license or warrant revocation of the license.

SB 1726 includes *technology centers* in the definition of *school* as it relates to the distance setback requirement for medical marijuana grow operations. Property owned, used or operated by a school that is not used for classroom instruction is not included in the definition of *school* unless it is located on the same campus as a building used for classroom instruction.

HB 2179 separates the medical marijuana grower license into tiers, distinguished by two categories: indoor, greenhouse, or light deprivation, and outdoor. The initial license fee will be calculated based on the total amount of square feet of canopy or acres the grower estimates will be harvested for the year, and the annual license fee will be based on the total amount of square feet of canopy harvested by the grower during the previous year. Growers that use both indoor and outdoor growing facilities must obtain separate licenses for each type of grow operation.

The medical marijuana processor license is also separated into tiers based on pounds of cannabis biomass and liters of cannabis concentrate. The annual fees will range from \$2,500 to \$40,000 depending on the tier.

The measure provides that the annual license fee for a dispensary will be

calculated at 10 percent of the sum of 12 calendar months of the combined annual state sales tax and state excise tax of the dispensary. The fee will be a minimum of \$2,500 and a maximum of \$10,000.

Finally, the measure sets the annual license fee for a testing laboratory at \$20,000.

SB 1704 allows OMMA to revoke the license of any person found by an investigation to be directly involved in the diversion of marijuana. If an

Diversion is the intentional sale or transfer of medical marijuana or medical marijuana products by a licensed patient to another individual or entity.

investigation determines a pattern of diversion or negligence leading to diversion, OMMA may revoke any business license associated with diversion and any entity with common ownership. The measure also requires all employees of a medical marijuana business to be credentialed to work for the business beginning January 1, 2024. OMMA may contract with third-party vendors to provide the necessary credentialing services.

SB 1737 requires all medical marijuana commercial grower licensees with an outdoor production facility to register with the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) as an environmentally sensitive crop owner beginning November 1, 2022. Registration must provide notice to pesticide applicators of the locations of medical marijuana crops to help minimize the potential for damaging pesticide drift.

HB 3971 directs OMMA to employ secret shoppers to purchase medical marijuana from licensed dispensaries for the purpose of conducting compliance tests. OMMA must use secret shoppers to inspect a minimum of 50 licensed dispensaries for the year 2024. Beginning in 2025, 10 percent of dispensaries must be inspected

by secret shoppers annually. The measure provides guidelines for failed test results and directs OMMA to implement rules to enforce the provisions of the act.

HB 3019 allows medical marijuana packaging to be clear in order for consumers to view the product inside the container, so long as the container is child-resistant. The measure also allows dispensaries to put medical marijuana products in an *exit package*, defined in the measure as an opaque bag provided at the point of sale. All medical marijuana packaging must include a warning that says “For use by licensed medical marijuana patients only” and “Keep out of reach of children.”

HB 3929 authorizes process validation to be an acceptable testing practice for medical marijuana. The measure provides that process validation is to be voluntary and lays out required standards, policies and procedures for process validation. OMMA must develop standards and requirements for a licensee to achieve process validation by January 1, 2024, including a process for biannual inspections and punishment for violations of process validation.

HB 4056 requires the medical marijuana testing laboratory contracting with OMMA and a board or committee comprised

testing. Beginning June 1, 2024, all testing laboratories renewing their business license will be subject to any new or modified rules and refusal to comply with the rules will result in the permanent revocation of the testing laboratory license.

SB 1367 transfers oversight authority related to the medical marijuana program from the Oklahoma State Department of Health (OSDH) to OMMA. The measure increases fines for unauthorized sales, purchases or transfers of medical marijuana by a medical marijuana business or its employees or agents, from \$1,000 to \$5,000 for a first violation and from \$5,000 to \$15,000 for any subsequent violation occurring within any one-year time frame. A medical marijuana business will be subject to revocation of license upon the second incident of grossly inaccurate or fraudulent reporting in a 10-year period. The measure also increases fines for intentional and impermissible diversion of medical marijuana by a patient or caregiver, from \$200 to not less than \$400 for the first offense and from \$500 to not less than \$1,000 for the second offense. A second offense will also result in the revocation of the license of the person or entity affiliated with the impermissible diversion, and such person or entity will be prohibited from obtaining a new license.

Process validation is the examination of best practices used by an industry to maintain a quality and consistent product. The use of process validation will allow growers, manufacturers and producers of marijuana products to have a reliable methodology when testing products.

of licensed Oklahoma medical marijuana laboratories currently accredited by the International Organization for Standardization (ISO) to provide recommendations for brands and models of equipment and standards to be utilized by licensed testing laboratories by June 1, 2023. OMMA will have 90 days from the date it receives the recommendations to promulgate or modify rules for standards and

HB 3530 creates the County Sheriff Public Safety Grant Revolving Fund in order for OMMA to establish programs and provide funding to support county sheriffs in the enforcement of state law regarding medical marijuana.

SB 1056 appropriates \$5.3 million from the General Revenue Fund to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for the purpose of enhancing the operation of the Marijuana Enforcement Team.



HB 4463 directs OSDH to prioritize its funding for the regulation and enforcement of all programs and provisions associated with OMMA, including but not limited to, the hiring and employment of additional staff at OMMA, as well as participating in interagency agreements with state law enforcement agencies for enhanced enforcement.

HB 3439 amends the Oklahoma Industrial Hemp Program. The measure:

- Adds definitions for distinct parts of the plant;
- Provides a framework for remediation of industrial hemp that exceeds the allowed 0.3 percent concentration of Tetrahydrocannabinol (THC) but is less than 1 percent;
- Allows the licensee to remediate noncompliant hemp on site, or transport it to a remediation facility after informing the State Board of Agriculture; and
- Allows licensees to sell industrial hemp, excluding the flower, to livestock or pet feed manufacturers.

Alcohol

SB 269 allows mixed beverage licensees that sell wine, beer or cocktails to-go to sell to-go drinks at different prices than on-premises drinks.

SB 1708 allows 16 and 17-year-olds employed by a grocery store or convenience store to be issued an alcoholic beverage employee license.

SB 1784 allows licensed beer distributors and wine and spirits wholesalers to hire employees under the age of 21 as long as the employee is at least 18, is accompanied by a coworker who is at least 21, and enters the licensed premises for the sole purpose of merchandising or delivering product to the licensee.

SB 757 removes a presumption that alcohol licensees are compliant with tax reporting if an audit determines the amount of tax collected is within certain percentages.

HB 3615 changes the compliance deadline from July 1, 2022 to July 1, 2023, for vapor manufacturers to report certain information to the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission.

Tobacco

HB 3315 removes the fine for persons under 21 who buy tobacco, nicotine, or vapor products, and instead requires them to complete an education or tobacco use cessation program approved by the OSDH. Cities and towns are also prohibited from enacting and enforcing ordinances penalizing the purchase or possession of tobacco, nicotine, or vapor products by a person under the age of 21.

Other Controlled Substances

SB 1275 allows funds from the Political Subdivisions Opioid Abatement Grants Act to be used to address the needs of parents and caregivers caring for babies with neonatal abstinence syndrome, to reimburse or fund mental health response training for law enforcement and emergency responders, and to reimburse attorney fees and allowable expenses directly related to opioid litigation incurred as part of legal services agreements entered into before May 21, 2020. The measure changes the definition of *eligible participant* to mean any political subdivision impacted by the opioid crisis. Additionally, the measure adjusts the criteria by which opioid grant awards will be allocated by adding the amount of attorney fees and allowable expenses directly related to opioid litigation incurred as part of legal services agreements entered into before May 21, 2020.

SB 1152 adds metonitazene, flualprazolam and flubromazolam to the list of Schedule I controlled substances.

SB 169 modifies the definition of *original container*, in relation to cocktails-to-go, to require the container be secured with a tamper-evident lid or cap by the original manufacturer of the mixed drink. •



American Rescue Plan Act (ARPA)

HB 3349 creates the Statewide Recovery Fund, which will consist of monies appropriated or transferred by the Legislature and monies received by the state pursuant to the American Rescue Plan Act (ARPA).

HB 2776 renames the Physician Manpower Training Commission as the Health Care Workforce Training Commission and expands the Commission to include other health care professionals. The measure establishes a revolving fund to be used by the Commission. The money in the fund must be spent by December 21, 2026, for the purpose of recruiting, educating and stabilizing Oklahoma's health care workforce.

The fund will consist of all monies:

- Received by the state as Coronavirus State and Local Fiscal Recovery Funds pursuant to ARPA;
- Directed to the state by the federal government for the purpose of recruiting, educating and stabilizing Oklahoma's health care workforce;

- Derived as interest and income from deposits and investments of fund assets; and
- Designated for deposit by law.

HB 2779 appropriates \$7.5 million from the Statewide Recovery Fund to the University Hospital Authority for capital expenditures to increase emergency room capacity to help serve patients in mental health crisis.

HB 1123 appropriates \$2 million to the Oklahoma Broadband Governing Board from the Statewide Recovery Fund to be used for broadband mapping needs. The measure also appropriates \$365,068 to the Oklahoma Broadband Governing Board from the fund for the Oklahoma State University Institute of Technology's Advanced Fiber Technician Training Program.

SB 1495 appropriates \$930,206,306 from the ARPA State Fiscal Recovery Fund to the Statewide Recovery Fund created by HB 3349.

SB 429 appropriates \$50 million from the Statewide Recovery Fund to the Oklahoma Water Resources Board (OWRB) to establish grant programs that facilitate the design,

construction, and maintenance of water and wastewater infrastructure, and to improve the condition of publicly owned, deficient dams regulated by the OWRB. An additional \$25 million is appropriated to promote water conservation, encourage economic longevity, and ensure reliable food supply by converting portions of an open ditch irrigation system to pipe within the Lugert-Altus Irrigation District. The Governor line item-vetoed an additional provision that would have appropriated \$20 million to match tribal investment in rural water infrastructure projects.

SB 1458 appropriates \$55,181,458 from the Statewide Recovery Fund created by HB 3349 to the Health Care Workforce Development Revolving Fund to establish a grant program with various universities and colleges across the state for the purpose of recruiting, educating, and stabilizing Oklahoma's health care workforce.

HB 4456 creates the Progressing Rural Economic Prosperity (PREP) Fund. **HB 4464** appropriates \$250 million to the PREP Fund. •



Business, Banking and Insurance Services

Banking and Financial Services

SB 1743 provides that motor vehicle financial protection products may be offered, sold or given to consumers. *Motor vehicle financial protection product* is defined as an agreement, such as a debt waiver or vehicle value protection agreement that protects a consumer's financial interest in their current or future motor vehicle. The product is not considered insurance. Any amount charged for the protection products must be separately stated and not considered a financial charge or interest. Terms of credit, sale or lease cannot be contingent upon payment or financing of any protection product. The measure sets forth requirements for offering debt waivers and vehicle value protection agreements and directs the Insurance Commissioner to promulgate rules necessary to enforce the provisions of the act.

HB 1138 provides that if an issued check, warrant or voucher has been lost or destroyed, the treasurer of any city, county or town must initiate a stop-payment order or submit a positive pay file prior to issuing a duplicate check, warrant or voucher.

SB 1687 provides that certain dollar amounts in the Uniform Consumer Credit Code are subject to change, under certain conditions, on July 1 of each year according to the Consumer Price Index for Urban Wage Earners and Clerical Workers. The measure also adjusts the amounts a supervised lender may charge in lieu of the loan

finance charges on loans having a principal of \$3,000 or less.

SB 1253 amends the definition of *examination* as used in the Oklahoma Accountancy Act to mean all or any part of the Uniform Certified Public Accountant Examination developed and scored by the American Institute of Certified Public Accountants.

SB 1760 modifies the membership of the Oklahoma Accountancy Board by replacing a licensed and permitted public accountant with a public member who will serve a five-year term and who has experience in accounting services and financial matters.

SB 1361 is a technical clean-up of the Oklahoma Uniform Securities Act of 2004 and aligns the act with federal securities law.

SB 1526 modifies the definition of *advertising* as used in the Oklahoma Subdivided Land Sales Code to mean material published or designed for use in various advertising mediums distributed or made available to the public. The measure also repeals statutory language relating to subdivided land sales licenses.

SB 1345 allows employers to pay employee wages by deposit at a financial institution or to a payroll card account.

HB 3811 allows the master list of financing statements of the farm products central filing system to be downloaded via internet without being

assessed a fee from the Secretary of State.

Business

HB 1933 defines *state average unemployment claims* as the weekly average of the Continued Unemployment Insurance Claims for the 13 weeks beginning with the first file week ending in July in the previous calendar year. Beginning January 1, 2025, unemployment compensation claims are limited to 16 weeks if the state average unemployment insurance claims are at or below 5,000 claims. An additional two weeks will be added for each 15,000 increments if the state's average number of claims are above 5,000, up to a maximum of 20 weeks. In the event that the weekly claims exceed 40,000, the maximum duration of benefits will immediately be raised to 26 weeks until the weekly claims fall below 40,000.

SB 1691 provides that a conviction, guilty plea or pending criminal charge may be the grounds for denial of an application for a state occupational license or certification only if the underlying offense substantially relates to the duties of the occupation and poses a reasonable threat to public safety, health or welfare. When making the determination, the licensing or certification authority must consider the nature and seriousness of the offense, the amount of time that has passed since the offense and the age of the person at the time of the offense among other things.

No occupational license or certification may be denied due to an arrest that was not followed by a guilty plea and has no pending charges. The only exceptions for the latter are a violent crime, a felony involving domestic abuse, an offense requiring the registration as a sex offender and any equivalent law in another jurisdiction.

HB 3409 modifies the Landlord Tenant Act to allow a tenant to correct a condition that materially affects health and is repairable if the cost of repairs is equal to or less than one month's rent and there is material noncompliance by the landlord. Previously, the cost could not exceed \$100.

HB 3002 updates license application requirements for the Oklahoma Scrap Metal Dealers Act, the Oklahoma Alcoholic Beverage Control Act, motor vehicle dealers, used motor vehicle dealers and the Oklahoma Medical Micropigmentation Regulation Act. Applicants must include in their application whether they have been convicted of a felony that substantially relates to the profession and poses a reasonable threat to safety. Disclosure of a "misdemeanor involving moral turpitude or dishonesty" is no longer required.

SB 1087 appropriates \$11 million from the federal Unemployment Compensation Modernization Transfer to the Employment Security Administration Fund for the purpose of paying administrative expenses for two programs. The Employer Service Program will receive \$3 million and the Unemployment Insurance Program will receive \$8 million. The funds must be expended before December 15, 2023.

HB 3195 provides that the Oklahoma Cosmetology and Barbering Act does not apply to individuals employed in theater, radio, television, motion picture production, modeling or photography.

HB 3359 removes the requirement that an applicant for a license to practice funeral directing or embalming have at least 60 semester hours of study earned from a regionally accredited college or university. An applicant

for a license to practice embalming may also qualify if they meet the following requirements:

- Completion of an embalmer course of study approved by the Oklahoma Funeral Board and administered by a program of funeral service or mortuary science accredited by the American Board of Funeral Service Education;
- Completion of a 12-month term as a registered apprentice with full-time employment at a licensed establishment or licensed commercial embalming establishment;
- Assisted with 25 embalmings under the supervision of a state-licensed embalmer; and
- Passed the embalmer examination provided by the International Conference of Funeral Service Examining Board and a law exam provided by the Oklahoma Funeral Board with a 75 or higher.

HB 1940 prohibits a roofing contractor from offering an inducement or a promise to pay part of the insurance deductible in order to be awarded a contract.

SB 1725 dissolves the Occupational Licensing Advisory Commission effective December 31, 2022.

SB 80 requires a person employed as an unarmed security guard to obtain Council on Law Enforcement Education and Training (CLEET) licensure within 45 days of employment.

SB 1345 allows employers to pay employee wages by deposit at a financial institution or to a payroll card account.

SB 418 creates the Oklahoma INFORM Act which regulates online marketplace high-volume third-party sellers. *High-volume third-party sellers* are those with 200 or more discrete sales in a consecutive 12-month period and with \$5,000 or more in annual gross revenue on an online marketplace. Online marketplaces must require any third-

party seller using the marketplace's platform to provide:

- A bank account number of the payee for payments issued by the online marketplace to the high-volume third-party seller;
- Contact information of the seller;
- A business tax identification number of the seller; and
- A current working email address.

The online marketplace must notify its third-party sellers annually of their requirement to provide the information. If a seller does not provide the information, the online marketplace must suspend all sales from the third-party seller. An online marketplace must disclose to consumers a reporting mechanism for suspicious marketplace activity. If the Attorney General has reason to believe that any online marketplace has violated these requirements, the Attorney General may bring a civil action in district court.

Economic Development

HB 4455 creates the Large-scale Economic Activity and Development (LEAD) Act of 2022, which provides for a 10-year investment rebate program for the cost of qualified capital expenditures for certain establishments based on creation of new direct jobs. The threshold number of new direct jobs required for qualification are as follows:

- 500 new direct jobs in year one of the rebate payment period;
- 1,000 cumulative new direct jobs in year two of the rebate payment period;
- 2,500 cumulative new direct jobs in year three of the rebate payment period;
- 4,000 cumulative new direct jobs in year four of the rebate payment period; and

- 4,000 cumulative new direct jobs in year five of the rebate payment period.

To be eligible for the program, the primary establishment must provide a capital expenditure plan with qualified capital expenditures totaling no less than \$3.606 billion. An establishment with expenditures of no less than \$500 million may be eligible if a separate establishment with \$3.606 billion has been approved by the Department of Commerce. Additionally, to be eligible, an establishment must have made qualified capital expenditures of no less than 20 percent of its capital expenditure plan, be qualified to receive payments through the Oklahoma Quality Jobs Program Act, and have filed all Oklahoma tax returns and documents.

For establishments qualifying for the program that have capital expenditures of no less than \$500 million, the threshold numbers of new direct jobs will be reduced proportionally to reflect the lesser capital expenditure.

The investment rebate payment will be 3.4 percent of the cost of the qualified capital expenditure in the year of expenditure, and is payable for five consecutive years, so long as the establishment remains eligible.

Primary establishment capital expenditure amounts less than \$4.5 billion will not be eligible to receive the current investment tax credit. A companion measure, HB 4454 appropriates \$698 million to the LEAD fund for FY 2022.

HB 4354 creates the Oklahoma Research and Development Attraction Act, which directs the Oklahoma Center for the Advancement of Science and Technology (OCAST) to create a Research and Development Attraction Grants Program to foster research and development in key industry clusters. OCAST may award matching funds of up to 50 percent of the cost of the project, not to exceed \$100,000, to eligible businesses. To be eligible, a business must:

- Work with an Oklahoma institution of higher education or non-profit research institution;
- Be an Oklahoma-based small business;
- Operate in aerospace and autonomous systems, life sciences or energy diversification;
- Conduct its research and development project within Oklahoma; and
- File an application with OCAST showing the total cost of the project and demonstrating private capital to fund at least 50 percent of the project.

HB 4362 creates the OCAST Intern Partnership for STEM Workforce Pipeline Program, which will award funds to applicant organizations to hire student interns. The Oklahoma Science and Technology Research and Development Board will award and approve the funds to the applicant organizations. At least 50 percent of the costs of the proposed project must come from non-state funds.

SB 1461 establishes the Oklahoma Air Service Development Grant Program (OASDGP) within the Oklahoma Aeronautics Commission and creates the framework and guidelines for the program. OASDGP is designed to offer financial assistance by grant to private, public, or nonprofit entities for the purpose of assisting commercial air service development. Eligible entities include the following: airport sponsors of publicly owned airports, Oklahoma municipalities, chambers of commerce, and community organizations that promote economic development.

Insurance

Lawmakers worked to help the consumer this session by authorizing the option for incentive programs and ensuring better transparency and fair pricing. **SB 737** prohibits any pharmacy benefits manager (PBM) from engaging in the practice of spread pricing, which is defined as a prescription pricing model where a PBM charges a health

benefit plan a price for prescription drugs that differs from the amount the PBM directly or indirectly pays the pharmacy or pharmacist. The measure also prohibits a PBM from charging a pharmacist or pharmacy certain fees as they relate to participation in a retail pharmacy network.

SB 462 creates the Oklahoma Right to Shop Act. The measure authorizes insurance carriers to offer a shared savings incentive program to enrollees when obtaining comparable health care service from providers that charge less than the average amount. The measure requires insurance carriers to provide consumers with details and information about the shared savings incentive program so that consumers may make an informed decision for their health care services.

HB 3495 requires any policy that specifies a time limit for covering wind or hail damage to a roof, to allow the filing of claims up to 24 months after the event if the damage is not evident without inspection.

HB 4279 clarifies the information a homeowner must provide when their current insurance coverage has been canceled or not renewed. The measure requires the homeowner provide proof that they had coverage that has not been renewed or has been canceled prior to accessing the Market Assistance Association Act.

HB 4228 requires any measure enacted into law relating to a benefit plan to be incorporated into any benefit plan that is issued or renewed on or after November 1, 2022.

HB 4230 adds the following standards to transactions by subsidiaries of insurers:

- If an insurer is deemed by the Insurance Commissioner to be in a hazardous financial condition, then the Commissioner may require the insurer to secure and maintain either a deposit or a bond;
- All records and data of the insurer held by an affiliate are to remain the property of the

insurer. At the request of the insurer, the affiliate must allow the receiver to obtain a complete set of all records and data that pertain to the insurer's business; and

- Premiums or other funds belonging to the insurer are collected or held by an affiliate are the exclusive property of the insurer.

The measure also provides that any affiliate that is party to an agreement or contract with a domestic insurer will be subject to the jurisdiction of any supervision, seizure, conservatorship or receivership proceedings against the insurer. The Commissioner may require that an agreement or contract specify the affiliate consents to the jurisdiction as specified. The measure clarifies that claimants must sign claims against an insurer.

The measure authorizes a receivership court to allow alternative procedures and requirements for the filing of proofs of claim. Lastly, the bill modifies the procedures of delinquency proceedings.

SB 861 redefines *health benefit plan* to include a group hospital or medical insurance coverage, a not-for-profit hospital or medical service or indemnity plan, a prepaid health plan, a health maintenance organization plan, a preferred provider organization plan, the State and Education Employees Group Health Insurance Plan, and coverage provided by a Multiple Employer Welfare Arrangement or employee self-insured plan.

SB 979 authorizes domestic, foreign and alien insurance companies owned or financially controlled in whole or part by another state, a foreign government or any political subdivision to only apply for a certificate of authority as a reinsurer. Such entities must establish and maintain a regional home office in the state as well as maintain a security deposit with a bank located in the state.

SB 1143 allows an insurer to make loans and investments in the aggregate of 10 percent of the insurer's assets.

This is an increase from the previous 5 percent limit.

SB 1240 is the annual insurance omnibus bill. The measure:

- Updates the financial requirements to be considered an *exempt commercial purchaser* to reflect changes in the Consumer Price Index of All Urban Consumers;
- Conforms definitions for *producers* and *motor service club* to reflect existing statutory language as it pertains to motor service clubs;
- Updates statutory references and citations within the Credit for Reinsurance Act; and
- Updates provisions relating to autism coverage to conform and comply with federal law.

SB 1241 updates the Insurance Business Transfer Act. The measure:

- Creates new definitions for *independent expert*, *petitioner* and *court* as they relate to the Act;
- Increases the time allowed for a notice required to be transmitted from 15 to 45 days and allows notices to be sent over fax or e-mail;
- Allows an Insurance Business Transfer Plan to be updated as information becomes available or when deemed necessary by the Commissioner;
- Updates the process for policyholders to comment on the Plan;
- Updates what must be included in any petition before the court seeking the approval of a Plan; and
- Updates what a court must include in its judgment order when ruling in favor of the Plan.

SB 1242 limits the risks that a series captive insurance company may insure. The measure allows captive insurance companies formed or licensed under the

Oklahoma Captive Insurance Company Act to establish a series limited liability company under the Oklahoma Limited Liability Company Act.

SB 1245 prohibits the Insurance Commissioner from having a financial interest in any entity that is regulated by the Insurance Department.

SB 1252 updates statutory language relating to *customer service representative* and *insurance consultant* in the Oklahoma Producer Licensing Act by requiring these positions to be licensed as an insurance producer. The measure removes the requirement for an application for a customer service representative license or license renewal to be accompanied by a written appointment signed by the insurance agent or broker. The bill removes the insurance consultant and customer service representative license fees.

SB 1354 allows service warranties to be collectively covered by one or more insurers.

SB 1085 creates the Pharmacy Benefit Managers Revolving Fund within the Oklahoma Insurance Department (OID). The Fund will consist of all monies collected from licensure and regulation of pharmacy benefit managers (PBMs). **The first \$500,000 collected each fiscal year will be transferred to the General Revenue Fund.* A related measure, ***SB 1086**, enacted after the passage of SB 1085, removes the requirement that the first \$500,000 obtained from the licensure and regulation of PBMs be deposited to the General Revenue Fund.

SB 524 removes CompSource Mutual Insurance Company as the insurer of last resort for workers' compensation. The Insurance Commissioner is directed to develop or designate a third party to develop and administer an assigned risk plan to replace CompSource as the insurer of last resort by June 1, 2024. To qualify for coverage of the plan, an employer must be declined coverage by at least two unaffiliated insurers and must provide documentation to the Insurance Commissioner. The measure requires

premiums to be actuarially sound and consistent with industry standards.

HB 1940 prohibits a roofing contractor from offering an inducement or a promise to pay part of the insurance deductible in order to be awarded a contract.

SB 1743 provides that motor vehicle financial protection products may be offered, sold or given to consumers. *Motor vehicle financial protection product* is defined as an agreement, such as a debt waiver or vehicle value protection agreement that protects a consumer's financial interest in their current or future motor vehicle. The product is not considered insurance. Any amount charged for the protection products must be separately stated and not considered a financial charge or interest. Terms of credit, sale or lease cannot be contingent upon payment or financing of any protection product. The measure sets forth requirements for offering debt waivers and vehicle value protection agreements and directs the Insurance Commissioner to promulgate rules necessary to enforce the provisions of the act.

SB 1371 exempts consultants or experts of the OID whose duties pertain to market conduct exams, financial exams and insurance business transfers from certain competitive bidding requirements.

SB 1806 requires a bail bondsman who is becoming a surety on an undertaking in a particular county to register their license with the court clerk and not the county sheriff. The measure prohibits any court from issuing an order modifying the terms of previously-set bonds unless the order has also been signed by the bail bondsman,

bail bondsman surety, or both, prior to the defendant's release. Failure to provide this notice should exonerate the bond by operation of law. Finally, the measure removes the 10-bond limit placed on bondsman that are not registered in the county.

Tourism

This year Tulsa's Southern Hills Country Club hosted the PGA Championship for the fifth time, and the Legislature passed three measures that build on that excitement.

HB 3647 creates the Oklahoma Golf Trail to promote the state's golfing opportunities by featuring 15 to 25 golf courses that can be marketed much like the Oklahoma Fishing Trail that launched in 2019. A nine-member commission will revise the featured courses every year.

HB 3646 establishes the third Wednesday in June as "Golf Day."

SB 1749 allows mixed beverage licensees and on-premises beer and wine licensees with licensed premises on a golf course or country club to sell beer in sealed original packages for on-premises consumption.

SB 1060 directs the Oklahoma Tourism and Recreation Department to continue making matching funds available to multicounty organizations to encourage tourism. The Department is also directed to spend \$361,322 for CLEET-certified employee pay raises within the division of State Parks and \$880,063 to match market rate salaries for employees below the rate.

HB 4099 authorizes up to \$46 million in bonds to improve existing property

managed by the Oklahoma Historical Society. The measure prohibits bond proceeds from being used for the Oklahoma Museum of Popular Culture.

HB 3124 allows the J.M. Davis Memorial Commission to enter into contracts for services with state agencies, nonprofit corporations, associations, or individuals under certain conditions. The measure prohibits the commission from using its funds to support any system of religion or religious teacher or dignitary. Finally, the commission is authorized to sell certain museum collection objects to state agencies, museums with nonprofit status, commercial entities or individuals unless the object was leased, loaned or purchased with appropriated funds by the commission. The profits of any sale must be deposited in the J.M. Davis Arms and Historical Museum Endowment Fund or the J.M. Memorial Commission Revolving Fund as determined by a vote of the commission.

SB 257 allows the Oklahoma Arts Council to contract with other state agencies or nonprofit organizations to create an irrevocable endowment to trade, sell or barter donated and deaccessioned collection items that do not conform to its collection policies. Proceeds from the sales may only be used for the acquisition, conservation or care of collections that are owned and controlled by the Oklahoma Arts Council.

HB 3243 repeals the Oklahoma Tourism Signage Advisory Task Force.●



Criminal Justice

The Legislature continued to tackle serious crimes by enhancing programs and services for victims, particularly for victims of human trafficking and domestic violence.

HB 4210 requires the Oklahoma Attorney General (OAG) to maintain data related to human trafficking and to assist law enforcement, social service agencies, and private victim advocacy programs in identifying and supporting victims of human trafficking. The measure creates within the OAG the Human Trafficking Response Unit to maintain data and develop training programs to assist agencies and victims of human trafficking. The unit is directed to create incentive programs to encourage state agencies to attend training programs and review policies and appropriate targeted funding for victim service programs. The unit must publish public service announcements on various media platforms to educate the public about the dangers of human trafficking.

HB 2958 appropriates \$5.3 million from the General Revenue Fund for FY 2023 to the OAG for the purpose of implementing HB 4210 (2022), which creates the Human Trafficking Response Unit within the OAG.

SB 1569 creates the Address Confidentiality for Child Survivors and their Families Act, which adds human trafficking and child abduction to the list of crimes addressed in the Address Confidentiality Program. The measure defines *human trafficking* and *child abduction*.

HB 4224 provides that it is an affirmative defense to prosecution of a youthful offender, or delinquent offense that the alleged youthful offender or delinquent was a victim of human trafficking. The measure provides that a minor who has committed prostitution offenses or other nonviolent felony offenses as a result of being a victim of human trafficking will not be subject to child-in-need-of supervision proceedings. The measure clarifies that no child who is a victim of human trafficking will be subject to juvenile delinquency or criminal proceedings for prostitution related offenses.

HB 4472 provides funding for the pay increases to the commissioned law enforcement officers in OAG and to enhance the operations of the Victim Services Unit. The measure also directs that the Office utilize \$420,000 of its appropriation to maintain data related to human trafficking and to assist law enforcement, social service agencies and victim service programs in identifying and supporting victims of human trafficking.

SB 1116 requires the Department of Public Safety to disqualify a person from operating a motor vehicle for life if the person is convicted of felony human trafficking while operating a commercial motor vehicle.

SB 974 provides a definition of *discovery* as used within the statute of limitations for the prosecution of sex crimes against children to mean the date that a physical or sexually related crime involving a victim 18

years of age or older is reported to a law enforcement agency.

HB 3925 creates a court cost compliance program to begin November 1, 2022, which will be overseen by a 13-member Cost Administration Implementation Committee. The program will assist county sheriffs and the courts with the collection of fines, costs, fees, and assessments associated with cases in which a warrant has been issued and the case has been referred to the program. Sheriffs are authorized to contract with a third party to locate and notify persons of their outstanding warrants, and outstanding warrants may be recalled if the person provides a down payment of \$100 and a mutually agreeable monthly payment plan. The measure requires the court to notify the defendant at the time of sentencing of all required payments, and the court must consider the defendant's ability to pay and take into consideration certain criteria laid out in the measure. No person may be arrested for failure to pay if that person voluntarily appears at the courthouse to make a payment or to present evidence regarding ability to pay. If a defendant is delinquent for 60 days, the court must set a hearing to determine ability to pay. All counties are required to participate in the court cost compliance program.

HB 4194 requires the court to assess prior patterns of abuse and present written findings for persons arrested for any crime provided for in the Protection from Domestic Abuse Act or violent crime as defined in Title

57, Section 571 when considering bail amounts.

HB 3024 adds a category to the list of eligible circumstances for an expungement. A person may file a motion for expungement if they were charged with not more than two felony offenses and the charges were dismissed following the successful completion of a deferred judgment or delayed sentence, none of which were felony offenses listed as an 85 percent crime or a sex offense, no felony or misdemeanor charges are pending against the person, and at least 10 years have passed since the charges were dismissed.

HB 3258 modifies the elements of the crime of sodomy by providing that the crime of forcible sodomy occurs when committed against a student at a secondary school who is concurrently enrolled at an institution of higher education by an employee of the institution. The measure provides a definition of *employee of an institution of higher education*. The measure also modifies the crimes of rape, rape by instrumentation, and lewd molestation by including where the victim is a student at a secondary school but is concurrently enrolled at an institution of higher education and engages in sexual intercourse with a person who is three or more years of age older than the concurrently enrolled student and is an employee of the institution of higher education.

HB 4374 modifies the definition of *family or household members* as used in the Protection from Domestic Abuse Act and the Domestic Abuse Reporting Act to include persons not related by blood or marriage living in the same household. Living in the same household is defined as persons who regularly reside in the same, single dwelling unit; persons who resided in the dwelling within the past year; or persons who have individual lease agreements where each person has their own private bedroom and shares the common areas.

SB 1548 provides that each county, instead of its district attorney, may

establish a drug court program and a juvenile court program. The measure strikes language leaving the decision of whether an offender is eligible to participate in the program to the discretion of the district attorney and instead directs the district attorney to determine any statutory prohibitions on the offender that prevents participation. The measure also directs each drug court to develop agreed-upon, objective eligibility criteria to determine presumptive drug court eligibility for offenders. Notification must be provided to victims if the offender involved in the crime seeks to participate in the program. Additionally, the measure requires any offender admitted to the drug court program for a crime which requires the offender to attend a batterers' intervention program to continue attending the intervention program as a condition of participating in the drug court. The coordinator must file a form with the district attorney if a person wishes to be voluntarily placed in the program as well as keep a record of all presumptively eligible offenders who are not placed in the drug court program.

HB 3286 creates the Homicide Prevention Act. The measure also modifies the punishments and clarifies the procedures regarding stalking and protective orders. Modifications include:

- Increasing the penalty for stalking from a misdemeanor to a felony;
- Increasing the punishment for stalking from one year to three years imprisonment and increasing the fine from \$1,000 to up to \$5,000. The measure also increases the punishment for second and subsequent offenses;
- Requiring law enforcement agencies to provide a Stalking Warning Letter to the accused;
- Prohibiting the publication of personally identifiable information of a crime victim in

a manner intended to threaten or intimidate; and

- Authorizing continuous protective orders and requiring all ex parte or final protective orders to be entered into the National Crime Information Center database.

HB 3171 makes it a misdemeanor to do any of the following:

- Use drones to trespass on private property with intent to eavesdrop or to do surveillance;
- Install any device on private property without consent to observe, photograph, record, amplify or broadcast sound or events in a private place;
- Intentionally use a drone to observe another person in any place where the person has a reasonable expectation of privacy; and
- Land a drone on the private property of another without the owner's consent.

Miscellaneous Criminal Justice

HB 3070 cleans up language regarding transporting a firearm. The measure deletes obsolete language relating to the Oklahoma Self-Defense Act due to the enactment of constitutional carry in Oklahoma.

HB 3429 authorizes a county to electronically submit a record of conviction for larceny of livestock to the Oklahoma Department of Agriculture, Food, and Forestry for placement on the Livestock Offender Registry in lieu of sending a paper copy of the judgment and sentence.

HB 4373 modifies the elements of third-degree burglary to include the theft of tires, wheels, and catalytic converters. The measure sets a fine for burglary in the third degree at not more than \$5,000.

SB 186 clarifies that a convicted felon, delinquent child or youthful offender

may not possess a sawed-off rifle, and removes the prohibition that a convicted felon cannot be a passenger in a vehicle in which a firearm is located.

SB 1536 repeals the Criminal Justice Reclassification Coordination Council.

Corrections

HB 3270 clarifies that a defendant named in a court action is not required to pay the costs of that action unless the court exercises its discretion and the parties agree. The court may reduce the amount a person owes if it determines that the person does not have the ability to pay the fines, fees, costs or assessments. Any monies received from a federal or state government need-based assistance program cannot be counted as personal income. If the court determines that a reduction is warranted, the court must equally apply the same percentage reduction to the fines, fees, costs or assessments owed by the person.

HB 4369 modifies the administrative parole process of the Pardon and Parole Board by allowing a person within one calendar year of their discharge date to be eligible for consideration. The measure prohibits persons who are eligible for administrative parole from waiving their consideration for parole and allows for persons under parole supervision to earn discharge credits for compliance with the terms and conditions of parole supervision that reduce the term of supervision.

HB 3087 provides that it is not considered a violation of duty to fingerprint any person received into custody of a jail if an authorized jail employee has deemed that person

medically unfit to be received into custody.

HB 3135 modifies the definition of an *eligible offender* as used in the Oklahoma Community Sentencing Act by removing the requirement that the offender be convicted of a felony crime before being considered for eligibility.

HB 4352 exempts certain inmates from the requirement to complete resumes or practice job interviews prior to release from incarceration. These inmates include those:

- 65 years of age or older;
- Released to medical parole;
- Released from the mental health unit;
- Released to another jurisdiction;
- Returned to community supervision from an intermediate revocation facility; and
- Determined to be physically or mentally unable to return to the workforce.

HB 3103 modifies the list of facilities the Department of Corrections (DOC) is authorized to maintain. The measure adds the Oklahoma City Community Corrections Center in Oklahoma City and the North Fork Correctional Center in Sayre. The measure removes the William S. Key Correctional Center in Fort Supply, the Kate Barnard Community Corrections Center in Oklahoma City and the Washita Valley Correctional Center in Pauls Valley.

SB 1374 adds correctional facilities under the jurisdiction of any public trust to the list of entities the State Fire Marshal is required to inspect. The measure subjects partnerships,

organizations, cities, towns, school districts, counties or other subdivisions of government to the \$1,000 daily fine for failing to comply with the Fire Marshal. Any person or entity who is fined can request a hearing within 10 business days. The State Fire Marshal will preside over any hearing and issue a proposed order to the State Fire Marshal Commission. The appellant is to receive notice from the State Fire Marshal regarding the proposed findings. Once reviewed, the State Fire Marshal Commission may adopt, modify or deny the proposal and issue a final order to all parties involved. Final orders may be appealed to the district court. Finally, the measure requires that all fines collected be deposited into the State Fire Marshal Revolving Fund and removes the \$550,000 cap.

SB 14 allows the DOC to establish a Hospice Care and Certified Nurse Assistant training program.

SB 1099 authorizes the director of DOC to allow employees commissioned as a correctional peace officer who move into a position which does not require peace officer status to maintain peace officer status.

SB 1052 directs \$4,894,650 from general appropriations to DOC to fund a contractual per diem increase at the Lawton Correctional and Rehabilitation Facility and \$2.92 million to fund a contractual per diem increase at the Davis Correctional Facility.

SB 1456 directs the Council on Law Enforcement Education Training (CLEET) to promulgate rules to evaluate and approve applications submitted by DOC for a separate training academy. ●



Education

COMMON EDUCATION Teacher Recruitment and Retention

Lawmakers worked to improve and increase Oklahoma's teacher workforce by creating programs to incentivize high school students to become teachers and promote successful career teachers. New laws also sought to provide more support to new teachers.

HB 3564 requires the State Regents to establish a scholarship program to incentivize students to go into the teaching field. Under the program, a scholarship recipient must agree to teach in an Oklahoma public school for a minimum of five years. The program will provide a \$1,000 scholarship for the first three years of college and \$2,500 for a student's final year. Upon graduation from an approved teacher preparation program, a teacher may receive a payment of up to \$4,000 a year for up to five years as long as they show satisfactory service as documented by the employing school district.

HB 4388 establishes advanced, lead and master levels of teacher certificates. Each level will have a minimum salary increase requirement paid by the school district and matched with lottery funds. The increased payments are:

- Advanced certificate includes a minimum salary increase of \$3,000;
- Lead certificate includes a minimum salary increase of \$5,000; and

- Master certificate includes a minimum salary increase of \$10,000 and maximum salary increase of \$40,000.

Teachers with these extra certifications, who work in schools with an enrollment of at least 40 percent economically disadvantaged students, or a school district with an enrollment of fewer than 1,000 students, also receive a one-time award in addition to the salary increases listed above.

School districts are authorized to identify and designate the highest quality teachers for these advanced, lead and master certificates. Designation must include a teacher observation and a student performance component. Designated teachers must be given time out of the classroom to allow for professional growth opportunities.

SB 1631 requires the Commission for Educational Quality and Accountability to establish a two-year pilot program for mentor teacher training with the goal of providing training to one mentor teacher in every school district. Mentor teachers will be given a one-time stipend of \$3,000, subject to the availability of funds. Through the program, mentor teachers with at least five years' experience will be coached on ways to guide and support new teachers in the areas of classroom management, differentiation of instruction and other pedagogical techniques.

HB 3658 removes the requirement that alternative teacher candidates

pass the general education portion of the teacher competency examination.

SB 1119 removes the provision limiting the number of hours an adjunct teacher can teach per semester and prohibits an adjunct teacher with no valid teaching certificate from being classified as a teacher.

Other Education Issues

In addition to passing general education policies about issues such as school transfers, the Legislature worked to ensure the safety of students in multiple ways. Lawmakers passed measures requiring libraries to have technology protection measures for their digital or online library databases and also passed bills addressing the mental health of students.

HB 3092 requires books, multimedia sources, print materials, and nonprint materials selected for public school libraries to reflect the community standards for the population the library serves.

SB 2 prohibits anyone born as a biological male from playing on public school or collegiate athletic teams designated for females, women or girls.

SB 615 requires changing areas and multiple occupancy restrooms in public schools to be designated for the exclusive use of the male sex or the exclusive use of the female sex. *Sex* is defined in the measure as the physical condition of being male or female based on genetics and physiology,

as identified on one's original birth certificate. Public schools must also provide access to a single-occupancy restroom or changing room. A school's state funding can be reduced by 5 percent for noncompliance.

HB 3038 modifies the state's open transfer policy for public schools. The measure:

- Allows a district to accept any brother or sister of a transfer student regardless of capacity, if the district's policy gives preference to sibling transfers;
- Requires a district to accept the transfer of a child whose parent or guardian is a district employee regardless of capacity, if the district transfer policy gives preference to employees' children;
- Allows a district to give priority to a transfer student regardless of capacity, if the student was previously a resident student for at least three years, but moved out of the district; and
- Clarifies that transferred students may automatically continue to attend the school they have transferred to after their first year.

SB 1238 allows a transfer student to enroll in their receiving school district's full-time virtual education program. The measure requires districts with full-time virtual education programs to adopt policies for determining the number of transfer students their virtual programs have the capacity to receive.

HB 3702 requires public schools, universities, state agencies and public libraries to have technology protection measures for their digital or online library databases that prevent students in grades K-12 from viewing, downloading, sending or receiving obscene material. If a provider of online library resources fails to comply, the state entity is required to withhold payment to the provider. Employees of public schools, state agencies, public libraries and universities are not

exempt from prosecution for willful violation of state law prohibiting indecent exposure to obscene material or child pornography.

HB 4106 requires each school district to maintain a protocol for responding to students in mental health crisis. The protocol must be created in partnership with a local mental health treatment provider and must comply with the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA). The protocol is required to include:

- A definition of mental health crisis;
- A process for identifying a crisis;
- An outline of non-punitive steps to safeguard student health and safety in response to a crisis;
- A list of local treatment providers and resources;
- A process for notifying and involving parents or guardians; and
- A process for keeping student information private.

A school must inform a parent if their child is identified as being at risk of a mental health crisis and must offer treatment referral information. Any subsequent action on behalf of the school requires parental consent, except in cases of immediate life threatening behavior to the student or others. Additionally, parents are allowed to opt their children out of the Oklahoma Prevention Needs Assessment Survey or any alternative tool.

SB 626 allows a student's parent or guardian to disclose to their child's school district whether the student has received inpatient or emergency outpatient mental health services from a mental health facility in the previous 24 months. If the information is disclosed to a school district, a designated school employee, the parent, and representatives from the mental health facility will meet to determine whether the student needs certain accommodations,

including an Individual Education Plan (IEP). Further, if a student is released from inpatient treatment at a mental health facility, a facility staff member is required to inform the student's guardian of the importance of disclosing the mental health needs of the student to the resident school district.

SB 1307 requires schools that issue ID cards for students in grades 7-12 to print the National Suicide Prevention Lifeline phone number on the ID cards and allows schools to also print the Crisis Text Line on the ID cards. The measure further declares it the Legislature's intent that public and private colleges and universities print the phone numbers for the National Suicide Prevention Lifeline, the Crisis Text Line and the campus police on student ID cards.

SB 1579 authorizes a school district board of education to approve a district employee's request for a leave of absence, without pay, to hold office for a national, statewide or local employee association. The employee must provide proof of election and term of office. Following the term of leave, the employee may return to their former position or a comparable position. During the leave period, the employee's position will be maintained without advancement on the minimum salary schedule and with no accrual of sick leave or personal leave. If the national, statewide or local employee association does not comply with the provisions in the statute, the school board may no longer recognize it as a representative of employees.

SB 1659 changes the frequency at which organizations that grant scholarships through the Oklahoma Equal Opportunity Scholarship must submit audited financial statements and reports that detail the successes and failures of the scholarship program. The scholarship granting organizations must submit these reports every two years, instead of every four years, and must also submit them to the chairs and vice-chairs of both Senate and House Education committees.

SB 1671 requires public schools to provide education about the Holocaust to students in grades 6-12. The lessons may be integrated into preexisting courses. The State Department of Education (SDE), in consultation with experts in Holocaust education, is required to develop age-appropriate resources for educating students in grades 6-12.

HB 2768 requires school districts' professional development about dyslexia to include information and training about dysgraphia, which is a learning disability that affects writing. The measure also requires SDE's triennial review of the Dyslexia Handbook to include a review of evidence-based practices for identifying and helping students with dysgraphia.

HB 3888 establishes contract terms for educators working at the Oklahoma School for the Deaf and the Oklahoma School for the Blind. The measure limits the maximum number of working hours to 1,200 per school year and requires these teachers to be paid for

using their planning time, lunch period or other available time to cover for an absent teacher.

HB 2693 creates the Oklahoma Education Commission, which will consist of 17 members and exist through November 1, 2027. The Commission must research how to improve the quality of remote learning.

SB 1190 authorizes the State Board of Career and Technology Education to establish courses in hydrogen energy and consult with the Departments of Commerce and Labor on how to establish courses that meet hydrogen energy workforce needs.

SB 1280 removes the requirement for the Governor to choose appointees for the Oklahoma Partnership for School Readiness Board from a pre-approved list of candidates.

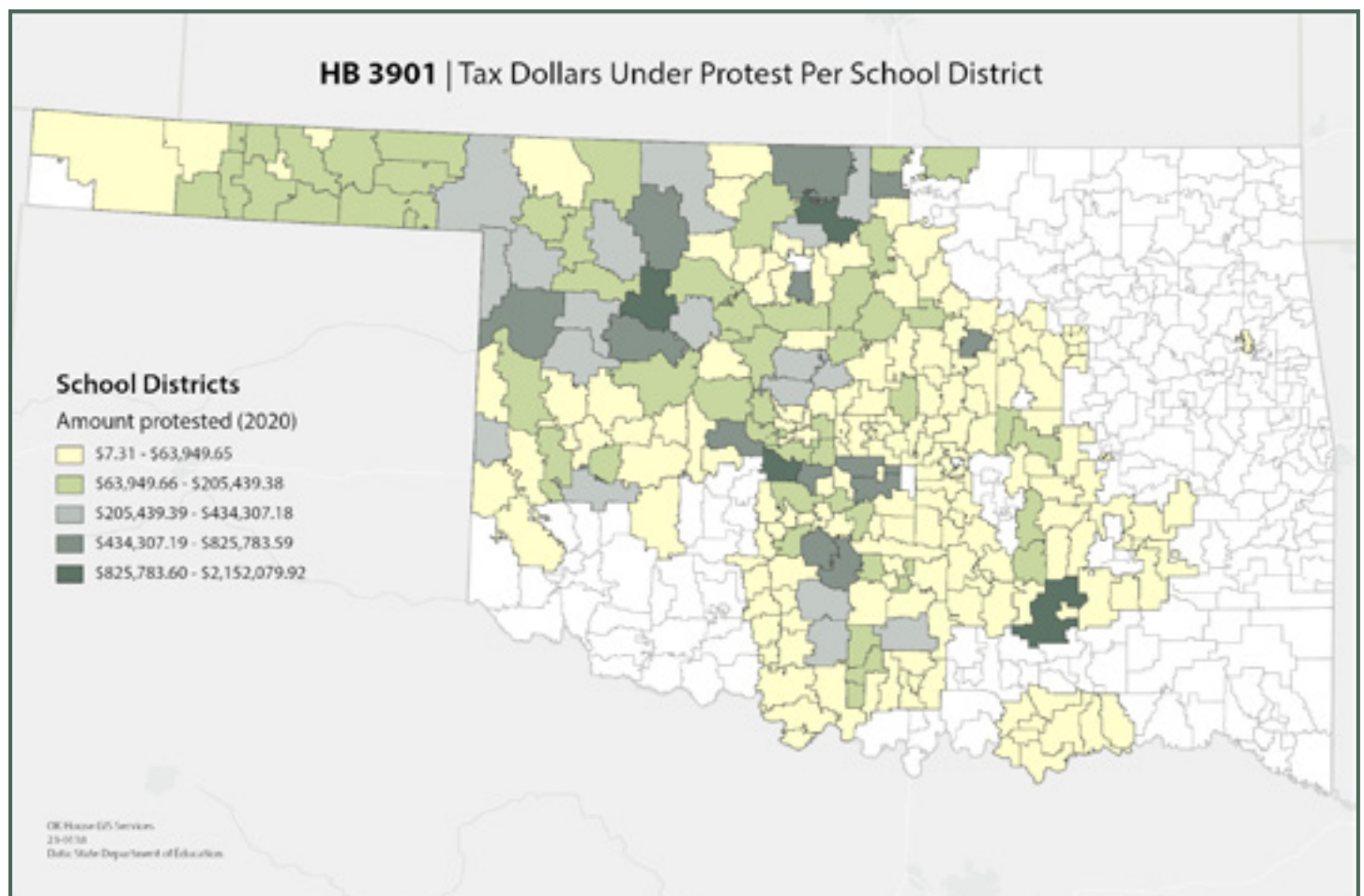
HB 3823 specifies that licensed optometrists and ophthalmologists may perform vision screening for children going into kindergarten, first and third grade. Optometrists

and ophthalmologists are exempted from the standards and training requirements created by the Infant and Children's Health Advisory Council.

HB 3872 allows any entity contracting with the Office of Juvenile Affairs (OJA) to apply to start a charter school. The measure also removes the requirement that the physical location of any charter school sponsored through OJA be in an OJA facility.

SB 1147 authorizes the State Board of Education to develop rules to determine if courses on aviation are eligible for non-elective academic credit that can be used to meet high school graduation requirements.

SB 1408 requires the Oklahoma Partnership for School Readiness Board to serve as the administrator of the statewide child care resource and referral network and to serve as the state clearinghouse for early childhood education and development programs and services.



Tax Protests

Lawmakers passed two bills this session to address the high rate of companies protesting their tax valuations, which can have detrimental effects on school funding.

HB 2627 requires each county assessor to mail a report listing any tax protests in excess of \$3 million to each school district and recipient tax jurisdiction before June 1 each year. The measure also authorizes the county assessor to appoint, or request the Tax Commission to appoint, an appraiser to assist in the valuation of residential and non-residential property. Any third-party appraiser may not participate in negotiations or protests, and their contracts and emails will be subject to the Open Records Act.

HB 3901 requires the Court of Tax Review to hear complaints challenging a county board of equalization's valuation of property that exceeds \$3 million. A scheduling conference is required within 20 days of the answer filed by the county assessor, and a decision in each case must be made within 12 months of the case being assigned to a three-judge panel. Cases before the Court of Tax Review must go before a judicial administrative district that does not contain within its borders any of the property in the case.

HIGHER EDUCATION Tuition Assistance

Lawmakers worked to make college more affordable for veterans and other service members. They also modified the eligibility requirements for the Oklahoma Higher Learning Access Program (OHLAP), expanding it to more low-income Oklahomans.

SB 1673 creates new tiered income requirements for OHLAP eligibility. To be eligible, a student's parent's income cannot exceed:

- \$60,000 per year if the student's parents have two or fewer dependent children;

- \$70,000 per year if the student's parents have three or four dependent children; and
- \$80,000 if the student's parents have five or more dependent children.

HB 1800 extends the time period after which a person discharged from the military can be eligible for in-state tuition at a state college or university. Previously, a person who was discharged from the military within the past five years was eligible for in-state tuition. The measure extends that to 10 years. The measure also allows any member of the Armed Forces who was stationed in Oklahoma for more than one year at any time in the previous 10 years to be eligible for in-state tuition. These provisions also apply to the person's spouse and dependent.

SB 1416 allows a current member of the Oklahoma National Guard to be eligible for in-state tuition regardless of their residency.

SB 1418 creates the Oklahoma National Guard Educational Assistance Program which will provide eligible guardsmen with funding for resident tuition to a state college or university and funding for mandatory fees and academic service fees. The measure sets eligibility requirements and establishes procedures for repayments if a guardsman fails to comply with requirements. The program is funded through the Oklahoma State Regents for Higher Education for its first year.

General Higher Education

HB 2046 authorizes the board of regents of an eligible two-year college to adopt a resolution to create a higher education funding district. The proposition would then go to a vote of the people within the district. If approved by voters, the creation of such funding district would apply an additional millage rate to the net assessed value of all taxable property within the district boundaries, subject

to the limit in the Constitution. The two-year college could spend the revenue on salaries, benefits, utility costs and instructional materials. No higher education funding district can include the territory of any Career Tech district. Lastly, if a two-year college chooses to issue debt, the limit on the debt would be the same as the limit on debt for a Career Tech district. All the procedures for repaying the debt would also be the same as those for a Career Tech district.

HB 2926 requires each college or university within the Oklahoma State System of Higher Education to include a link to the Oklahoma State Regents Employment Outcomes Dashboard on their website. The dashboard must include:

- Employment data of graduates from each college and university;
- Wages and earning information for each major and degree;
- Employment outcomes by county and industry code; and
- A link to the US Bureau of Labor Statistics Occupational Outlook Handbook.

HB 3543 creates the Free Speech Committee within the Oklahoma State Regents. The Committee will:

- Review the free speech policies of state universities;
- Create a process for accepting free speech complaints and review the complaints;
- Review university training on free speech; and
- Develop a First Amendment training that will be required for all college deans, heads of departments, and individuals responsible for creating free speech policies and handling related complaints. ●



Energy and Utilities

In preparation for rural broadband expansion, the Legislature passed **HB 3835**. The measure sets a maximum rate of \$1 per pole attachment, for the next four years, for telecommunications providers who want to place an attachment on a rural electric cooperative owned utility pole. The measure then establishes a formula that rural electric co-ops and communication service providers must use to determine a maximum pole attachment rate when one cannot be negotiated, following the end of the four-year period.

HB 3568 creates a rebate program for oil and gas companies that implement qualified emission reduction projects through July 1, 2027. The rebate is for 25 percent of documented expenditures made to implement the qualified projects. Rebate payments are capped at \$10 million in any fiscal year. If the cap is exceeded, the rebates will be pro-rated.

The measure also creates a five-year gross production tax exemption for oil and gas production projects approved by the Corporation Commission that use secondary and tertiary recovery methods. The exemption will be administered as a refund. The total amount of these refunds may not exceed \$15 million in any fiscal year.

Further, any wells drilled but not completed as of July 1, 2021, which are completed with the use of recycled water on or after July 1, 2022, will earn an exemption from the gross production tax for a period of 24 months from the date of first sales. The exemption

will be proportional to the percentage of recycled water used to complete the well and will be administered as a refund. The total amount of 2022 Session Highlights 7 these refunds authorized may not exceed \$10 million in any fiscal year.

HB 3150 requires the Oklahoma Corporation Commission to post reports on its website showing any audits or true-ups for regulated utility entities subject to the February 2021 Regulated Utility Consumer Protection Act.

SB 1352 prohibits cities, towns and counties from adopting rules that limit consumer access to energy sources or rules that prohibit a wholesaler, producer or the related infrastructure that provides consumer access to energy sources.

SB 1410 requires state agencies, school districts, universities, cities and towns that have energy policies to develop an emergency energy plan detailing sources of energy during a state of emergency. Any entity with an emergency energy plan must not source energy for such plans from a single source and instead must develop policies to acquire power from at least three distinct energy sources.

SB 1529 strikes obsolete language and clarifies that the Oklahoma Municipal Power Authority (OMPA) may not sell output to any municipality that does not own an electrical energy distribution system. Further, the measure repeals sections of law that subjected OMPA to the Public Competitive Bidding Act

and required all personnel of OMPA to be unclassified.

HB 4075 exempts OMPA from the requirement to use certain forms to award contracts for construction. OMPA is also exempt from the provisions of the Public Competitive Bidding Act of 1974. Lastly, the measure defines OMPA as a state agency for the purposes of the Public Facilities Act.

SB 1277 allows reports, audits, balance sheets and other financial exhibits prepared by employees of the Office of the Attorney General to be admissible in trials before the Corporation Commission.

HB 3039 creates a special permit to drill an oil or gas well prior to a final order being issued by the Corporation Commission. If a well falls within one mile of an underground storage facility, a final order must be obtained first. However, if the underground storage operator does not object, the well can be drilled prior to receiving a final order from the Corporation Commission.

HB 3403 updates the definitions of *recycled water* and *treated constituents*, as used in the Oil and Gas Produced Water and Waste Recycling and Reuse Act, to include thermal treatments or any other commercially viable technological processes.

SB 1444 modifies quorum requirements for meetings of rural electric co-ops by allowing in-person registrations to be counted toward the required five percent of members necessary to constitute a quorum. Any vote taken

at a time when fewer than five percent of members are physically present can only be taken on proposed actions that were specifically identified and provided to the members in advance through the meeting notice.

SB 1091 directs the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) to develop a grant program for municipalities to mitigate the extraordinary costs incurred by municipality owned or controlled unregulated utilities affected by the 2021 winter storm. Municipalities must show proof that it incurred the costs and must have a population of 3,500 or less. Additionally, the municipality must not have had costs mitigated by securitizations as provided for in current law. ODAFF must provide a report of the municipalities that applied for and utilized the grant program no later than February 1, 2023.

HB 1072 updates statutory references to the organization establishing the testing methods for liquefied petroleum gases from Gas Processors Association of America to GPA Midstream Association. The measure also authorizes the LP-Gas Board to provide virtual instruction for certification courses relating to safety schools.

SB 1356 exempts the Grand River Dam Authority from disclosing information related to the security of electrical or dam infrastructure and proprietary or commercial information that is subject to a nondisclosure or confidentiality agreement pursuant to the Open Records Act.

Hydrogen

SB 1853 requires the state to set a goal of producing two million metric tons of hydrogen fuel annually using a low or zero carbon source of energy. The measure requires every qualified hydrogen fuel production facility to annually report the amount of hydrogen fuel it produced the preceding year to the Corporation Commission by the first of March.

SB 1852 makes changes to the Oklahoma Energy Initiative Act. The measure updates the Act to be called the Oklahoma Low Carbon Energy Initiative and expands the program's purpose to include promoting research and development in the area of hydrogen production, storage and distribution. The measure also changes the corresponding Oklahoma Energy Initiative Board to the Oklahoma Low Carbon Energy Initiative Board, updates and increases the membership of the Board from six to 11. The Board is directed to establish an Energy Industry Advisory Council to provide industry expertise.

SB 1856 requires the office of the Secretary of Energy and Environment to create and administer a grant program for entities utilizing sequestration of carbon captured from production of hydrogen from natural gas. The grant program will only be subject to the authorization of federal dollars by the Legislature.

HB 3054 creates a weight exemption of up to 2,000 pounds in excess of vehicle weight limits for a motor vehicle or commercial motor vehicle operated by an engine fueled wholly or partially by an electric battery or hydrogen fuel cell electric fueling system.

SB 1857 extends the one-time income tax credit for investments in qualified clean-burning motor fuel property to hydrogen powered vehicles through tax year 2028. For tax years 2023 through 2028, the credits will be limited to \$30 million annually:

- \$10 million for CNG/LPG property;

- \$10 million for hydrogen property; and
- \$10 million for electric recharging systems.

Additionally, the maximum credit for vehicles in excess of 26,501 pounds is increased from \$50,000 to \$100,000.

SB 1197 exempts hydrogen storage tank systems from the provisions of the Oklahoma Petroleum Storage Tank Consolidation Act.

SB 1855 authorizes the Department of Labor to inspect any hydrogen fueling station or pump.

SB 1190 authorizes the State Board of Career and Technology Education to establish courses in hydrogen energy and consult with the Departments of Commerce and Labor on how to establish courses that meet hydrogen energy workforce needs.

Technology

Broadband access has been a priority for the Legislature in recent years. With **HB 3363**, Oklahoma joins at least 30 other states that have opted to tackle broadband projects through a centralized office. The measure builds on work done by the Rural Broadband Expansion Council, which was created in 2020, by converting it to the Broadband Expansion Council that will advise the newly created Broadband Office. The measure eliminates the role of the Department of Commerce from broadband expansion and also establishes a Governing Board, State Broadband Grant Program, and Revolving Fund. The office will coordinate the federal money and state appropriations designated for

Hydrogen Production

Most hydrogen in the United States is produced using methane from natural gas and the steam-methane reformation process. In this process, high temperature steam is used to break apart a methane molecule (CH₄) releasing the hydrogen from the carbon. Impurities, including carbon dioxide, are removed from the final product, leaving pure hydrogen.

Source: www.energy.gov

expanding broadband infrastructure in Oklahoma. This multi-faceted approach aims to ensure 95 percent of Oklahomans will have broadband internet access by mid-2028, at which point the office, council, and board will dissolve.

HB 3168 creates the Telephone Solicitation Act of 2022, which prohibits:

- Automated commercial sales calls without prior express written consent;
- Commercial sales calls that do not display on the caller ID the originating telephone number and name;
- Commercial sales calls that intentionally alter the voice of the caller in an attempt to disguise or conceal the identity of the caller;

- Sales calls before 8 a.m. and after 8 p.m.;
- More than three sales calls within a 24-hour period on the same matter; and
- Commercial sales calls that block caller ID or display a different phone number than the originating number.

The measure provides 26 exemptions to the act, including:

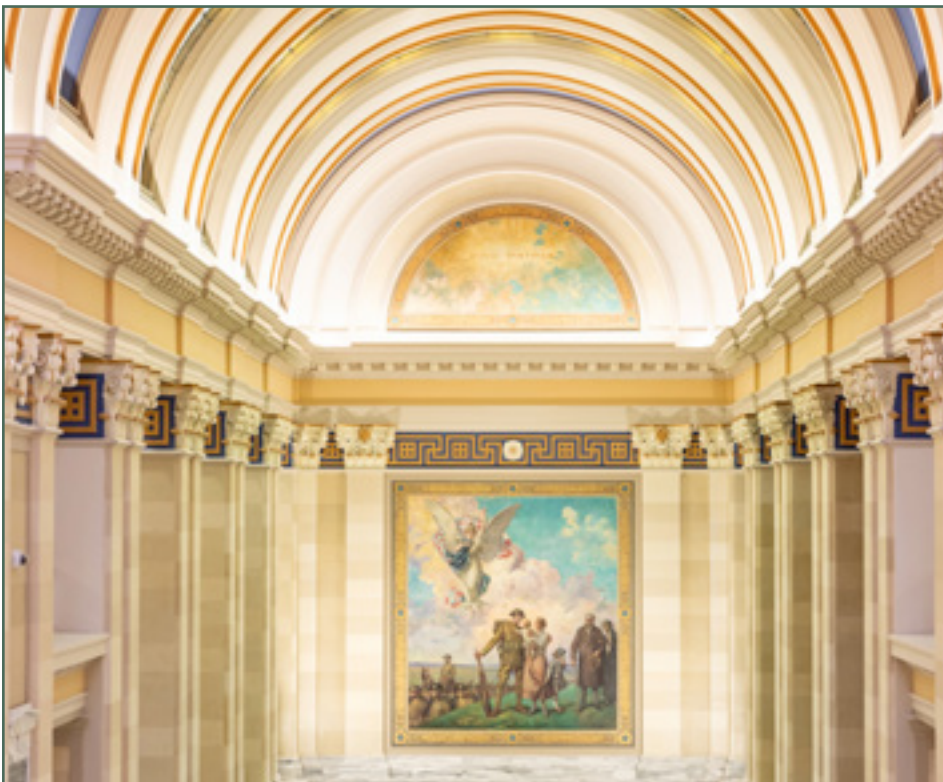
- Sales calls of an infrequent or one-time nature;
- Calls for noncommercial purposes;
- Solicitors who do not make the sales presentation during the call, but rather arrange a face-to-face meeting;
- Financial institutions or licensed securities, commodities, investment or insurance brokers;

- Newspaper or cable solicitations, or book, video or record club plan; and
- Qualified business-to-business sales calls.

In the case of a sales call that violates this act, an aggrieved party can initiate legal action to have a judge require the solicitor to stop and the called party can recover actual damages or \$500, whichever is greater.

SB 1283 clarifies that when the Governor appoints a member of the Geographic Information Council to serve a partial term in order to fill a vacancy, that time does not count toward term limits.

HB 1132 allows the Corporation Commission to use other transmission services other than OneNet.●





General Government

This year, the Legislature passed several bills streamlining and modernizing the operation of state agencies and programs. The Legislature also focused on protecting personal information and authorizing funding to help off-set inflation and to update state-owned infrastructure.

SB 970 provides that any portion of any document or information used to obtain licensure that contains an applicant's personal contact information will not be considered a "record" as it applies to the Oklahoma Open Records Act. Other information that may be disclosed under state law submitted with an application for licensure will be considered public record.

SB 1298 modifies the list of entities that may conduct executive sessions under the Oklahoma Open Meeting Act by adding the Oklahoma Tax Commission (OTC) for the purpose of discussing confidential taxpayer matters. The measure also allows the taxpayer at issue to appear at the executive session via videoconference.

SB 1733 modifies the definition of *public body* as used in the Oklahoma Open Records Act to exclude 501(c)(3) tax exempt organizations whose sole beneficiary is a college or university, or an affiliated entity of the college or university that is a member of the Oklahoma State System of Higher Education. The organization cannot receive direct appropriations from the Oklahoma Legislature. The measure also prohibits the following person from serving as a voting member of the governing board of the organization:

a member, officer, or employee of the Oklahoma State Regents for Higher Education; or a board member of the governing body, officer, or employee of the college or university that is the sole beneficiary of the organization.

SB 173 subjects public construction contracts to the Public Competitive Bidding Act of 1974 and the Fair Pay for Construction Act.

SB 1520 establishes that the retainage amount relating to public construction contracts and subcontracts that are at least 50 percent complete must be reduced to 2.5 percent of the amount earned to date pending public agency or owner approval.

HB 4080 modifies the rules and procedures regulating the bonding, contracting, construction, maintenance and sale of public buildings and works. Significant changes include:

- Raising the contract amount, from \$50,000 to \$100,000, that requires an awardee to furnish a bond with sureties to the state;
- Requiring that plans for new public buildings be submitted to the State Fire Marshal or the authority having jurisdiction before the bidding process;
- Allowing public construction contract bid notices to be published electronically as well as in newspapers;
- Removing the requirement for contractors to provide letters of credit for contracts of various amounts;

- Allowing the retainage amount of partial payments to be lowered to 2.5 percent from 5 percent, once the project is at least 50 percent completed;
- Allowing the Risk Management Administrator of the Office of Management and Enterprise Services (OMES) to declare an emergency on behalf of a public agency in certain situations;
- Removing the requirement for OMES to create a master plan for the construction of state buildings, capital improvements and utilization of state-owned land;
- Allowing OMES to publish notices of land leases and sales of oil or gas mineral leases on an authorized state website and in newspapers, and directs all royalties from leases or sales to be placed in the Maintenance of State Buildings Revolving Fund; and
- Modifying the requirements for OMES to dispose of real property by adjusting the appraisal process and allowing electronic auctions and indirect sales for certain property.

SB 984 allows state agencies to select a law firm to represent the agency and directs the Oklahoma Attorney General (OAG) to add law firms, when applicable, to the list of legal entities eligible to represent state agencies. The OAG is also directed to publish the list. The measure also provides guidelines

for the OAG and private attorneys to follow to ensure a transparent transaction regarding contingency fee contracts. Contingency fee contracts are capped at:

- 25 percent of that portion of any amount recovered that is \$10 million or less;
- 20 percent of that portion of any amount recovered that is \$10-\$15 million;
- 15 percent of that portion of any amount recovered that is \$15-\$20 million;
- 10 percent of that portion of any amount recovered that is \$20-\$25 million; and
- 5 percent of that portion of any amount recovered that is greater than \$25 million.

SB 1278 removes the requirement for the Oklahoma Science and Technology Research and Development Board to create advisory committees for research programs administered by the Oklahoma Center for the Advancement of Science and Technology.

HB 2996 extends the Capitol-Medical Center Improvement and Zoning Commission until July 1, 2025, in accordance with the provisions of the Oklahoma Sunset Law. The measure also allows the chairperson of the Long-Range Capital Planning Commission to designate someone to attend meetings of the Capitol-Medical Center Improvement and Zoning Commission on their behalf.

SB 1384 extends the Archives and Records Commission until July 1, 2025, in accordance with the provisions of the Oklahoma Sunset Law.

Miscellaneous General Government

SB 1385 establishes the Lyric Theatre as the official theatre of Oklahoma.

SB 1466 authorizes the 9/11 Remembrance “Freedom Flag” to be flown on flagpoles throughout the state and on state property.

SB 1516 designates May 11 of each year as “Oklahoma Overdose Awareness Day”.

SB 1802 is the annual “Duplicate Sections” bill which conforms the statutes as a result of multiple versions of legislation.

State Government

HB 2034 creates the Energy Discrimination Elimination Act of 2022 which requires governmental entities to divest of any holdings in financial companies that boycott energy companies. The Oklahoma State Treasurer must provide all state entities a list of financial companies that boycott energy companies. The entities must notify the Treasurer of any listed financial companies in which they own direct or indirect holdings. The entity must send a written notice to the financial company warning that it may become subject to divestment and offer the company the opportunity to clarify its activities. An entity may cease divesting if clear and convincing evidence shows that it will suffer a loss in the value of assets. Each state entity must file a report with the Treasurer, the Legislature and the Attorney General that identifies securities sold, redeemed, divested or withdrawn from a listed financial company.

SB 1061 directs OMES to spend the following amounts for certain programs:

- \$1.92 million on the Pay for Success Program. Seventy-five percent of the funds must be utilized by OMES in equal amounts for municipalities with populations of 350,000 or more;
- \$15,847,666 to provide for Device-as-a-service augmentation;
- \$150,000 to fund a study focused human trafficking performed by the Oklahoma Commission on the Status of Women; and
- \$35,737,000 to implement Service Oklahoma.

The measure also provides that the director of OMES should transfer monies from the FY 2022 appropriation made to the Oklahoma Water Resources Board to conduct a water study.

HB 4460 increases the Grand River Dam Authority’s debt limit from \$1.41 billion to \$2 billion in the event that the Oklahoma Department of Commerce has approved an application under the provisions of the Large-scale Economic Activity and Development Act (LEAD) of 2022.

HB 3567 authorizes the Oklahoma Capitol Improvement Authority (OCIA) to issue up to \$19 million in bonds to construct improvements and provide funding for repairs of the tunnels underneath the State Capitol Office Complex.

HB 3571 authorizes up to \$70 million in bond issuance to fund the renovation, repair and remodeling of the Jim Thorpe Office Building. The measure also creates the Jim Thorpe Repair Expenditure Oversight Committee whose duties are to create a plan for, approve and oversee the repairs to the Jim Thorpe Building.

HB 4099 authorizes up to \$46 million in bonds to improve existing property managed by the Oklahoma Historical Society. The measure prohibits bond proceeds from being used for the Oklahoma Museum of Popular Culture.

HB 1132 allows the Corporation Commission to use other transmission services other than OneNet.

HB 3484 requires state agencies to list the city, state and country where services will be provided on any service contract. The awarding agency’s director must provide reasons why an out-of-state company was chosen to provide services when a service contract is not strictly awarded by lowest price.

SB 1371 exempts consultants or experts of the Insurance Department whose duties pertain to market conduct exams, financial exams and insurance business transfers from certain competitive bidding requirements.

SB 1632 requires the OAG to publish all written opinions in connection with the interpretation of the laws of Oklahoma electronically and in a manner that is accessible to the public at no cost. The measure also allows the OAG to print written opinions in bound volumes at their discretion.

HB 3134 expands the definition of *audit* to include engagements not conducted in accordance with Government Auditing Standards involving agencies that collect less than \$3 million annually.

SB 1302 requires OTC to notify any state employee not in compliance with income tax laws that a percentage of their wages may be subject to garnishment. Previously, the law required the employee to have received three notifications before their wages were subject to garnishment.

SB 1567 modifies the framework and guidelines of the State Use Committee and the State Use Program. Major modifications include:

- Establishing the State Use Advisory Council in place of the State Use Committee, reducing the number of council members from eight to seven and requiring the Council to meet at least twice a year to exchange ideas to market and improve the Council;
- Transferring authority over the State Use Program from the State Use Committee to the Office of Management and Enterprise Services (OMES) Central Purchasing Division and the State Purchasing Director;
- Authorizing the OMES Central Purchasing Division to designate and distribute a schedule of products directly manufactured or services directly performed by any person with significant disabilities;
- Authorizing the OMES Central Purchasing Division to award and manage contracts to qualified organizations as well as to renegotiate or cancel

contracts when appropriate. It also establishes that products and services on contract will be published on the procurement schedule, will be designated as mandatory, and are not subject to the competitive bid requirements;

- Authorizing the State Purchasing Director to administer and oversee the State Use Program;
- Establishing purposes for the State Use Advisory Council Revolving Fund;
- Authorizing any municipality or county to purchase products and services from any qualified organization;
- Requiring the OMES Central Purchasing Division to perform an annual qualified organization pricing review for all products and services approved and designated on the procurement schedule; and
- Requiring OMES to annually submit a strategic plan for the State Use Program to the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Governor.

SB 924 authorizes the sharing of state data between state agencies. The measure defines *state data* as all data files hosted, procured, owned, processed, secured, stored or created by the state or state agencies for state business and should include any data not otherwise prohibited from such classification by state or federal law. The measure establishes that state data is the property of the state unless prohibited by law, and does not exempt or supersede an agency's statutory responsibility to protect data and comply with the Oklahoma Open Records Act. The measure authorizes the Chief Information Officer for the State of Oklahoma to establish standards and criteria for the sharing of state data between agencies. Lastly, both the judicial and legislative

departments are exempt from the provisions of the measure.

HB 3124 allows the J.M. Davis Memorial Commission to enter into contracts for services with state agencies, nonprofit corporations, associations, or individuals under certain conditions. The measure prohibits the commission from using its funds to support any system of religion or religious teacher or dignitary. Finally, the commission is authorized to sell certain museum collection objects to state agencies, museums with nonprofit status, commercial entities or individuals unless the object was leased, loaned or purchased with appropriated funds by the commission. The profits of any sale must be deposited in the J.M. Davis Arms and Historical Museum Endowment Fund or the J.M. Memorial Commission Revolving Fund as determined by a vote of the commission.

HB 1611 repeals the Rural Area Development Task Force and the Oklahoma Commission on Interstate Cooperation.

Emergency Management

SB 488 places the Oklahoma Office of Homeland Security under the authority of the Department of Emergency Management and names the Director of the Department of Emergency Management as the chief officer of the Office of Homeland Security rather than the Governor. The director must appoint a Homeland Security Advisor, whose responsibility is to operate the office. The Commissioner of the Department of Public Safety (DPS) may commission the director, advisor, or designated staff as peace officers.

HB 3278 transfers the administrative authority of the Oklahoma Emergency Telephone Act from DPS to the Oklahoma 9-1-1 Management Authority. The measure amends the definition of *tariff rate*, as it relates to the Nine-One-One Emergency Number Act, to include current equivalents of rates. It also defines a *public safety telecommunicator*

as a person who performs a public service by receiving and dispatching calls for emergency assistance. A public safety telecommunicator is considered a first responder and will have specialized training to mitigate the loss of life. Finally, the measure repeals an obsolete statute that requires the Statewide Emergency 911 Advisory Committee to make certain considerations in its recommendations for the development of a statewide 9-1-1 emergency telephone system.

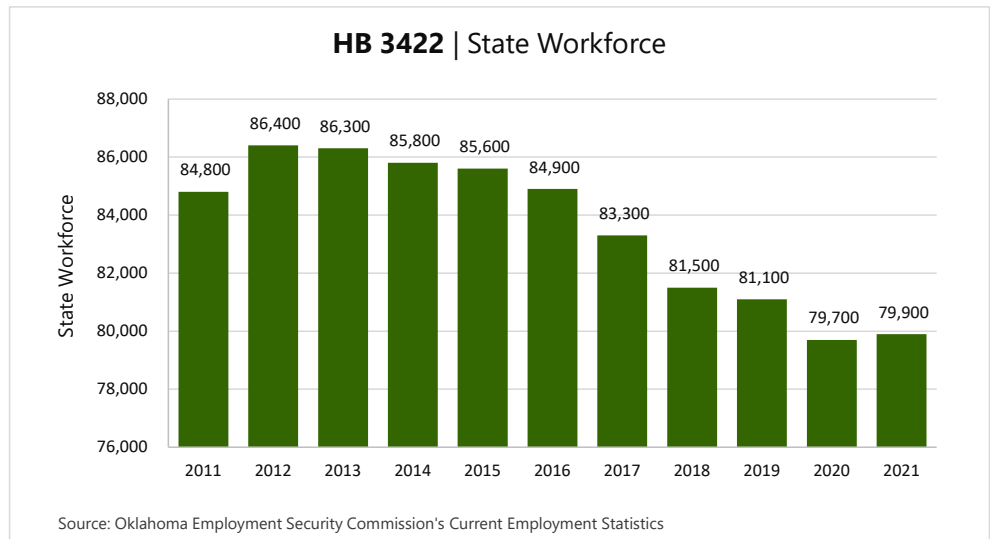
HB 4143 creates the Emergency Management Assistance Compact and Rescue Out of State Deployments Revolving Fund to be expended for the reimbursement of participating entities deployed through the Oklahoma Department of Emergency Management and Homeland Security as is consistent with the federal Emergency Management Assistance Compact Guidelines.

State Workforce

HB 3422 requires the State of Oklahoma to conduct two studies to evaluate the state workforce beginning in FY 2023. The first study is to examine the overall compensation for all positions covered under the Civil Service and Human Capital Management Act. The second study is to examine the overall functions of human resources, including recommendations on consolidation. The state work force analysis should be completed and given to the House, Senate and Governor by December 31, 2022, and must be funded and reproduced every four years thereafter.

HB 3420 updates numerous provisions of the Civil Service and Human Capital Modernization Act, building on reforms enacted last session. Significant provisions include:

- Designating the Office of the Attorney General as the legal counsel for the Civil Service Division, the provider of administrative law judges for act administration, and the



investigator and prosecutor for whistleblower claims;

- Allowing the Civil Service Division to employ attorneys or contract with private attorneys to serve as legal counsel to the Division;
- Modifying guidelines for the State Employee Dispute Resolution Program in certain areas such as timelines, applicability and mediation;
- Adding temporary and seasonal employees and those employed in trial periods to the list of employees exempt from the act;
- Abolishing the Oklahoma Merit Protection Commission after December 31, 2022 and transferring all authority, duties, and assets associated with the commission to OMES;
- Updating guidelines related to the State Government Reduction-in-Force and Severance Benefits Act in certain areas such as the implementation plan and the provisions and framework of severance benefits packages;
- Exempting certain employees of the Department of Commerce from the act and requiring compensation comparable to similar positions in the private sector; and

- Allowing the Civil Service Director of OMES to delegate authority to issue a final agency order to an agency administrative law judge and providing guidelines the administrative law judge must follow.

HB 4188 modifies the guidelines and processes for travel expense reimbursement of officials and state employees for official state business. To streamline the process across state agencies, the authority of per diem guidelines are transferred from the IRS Code of 1986 to the Government Services Administration's Federal Travel Regulation.

County and Municipal Government

Lawmakers worked to improve county and municipal government by addressing infrastructure, inflation, and inefficiencies.

HB 3037 creates within the Oklahoma Department of Transportation the Municipal Road Drilling Activity Revolving Fund, which will receive a \$5 million appropriation each year. Municipalities with less than 15,000 people are eligible to apply for funding to repair roads that were damaged as a result of increased use from oil or gas drilling activity.

HB 3819 appropriates \$5 million into the newly created Oklahoma Disaster

Mitigation and Recovery Matching Fund within the state Department of Commerce. The fund will help local governments meet the requirement of providing matching funds when applying for federal aid for disaster mitigation or recovery.

HB 2233 authorizes a board of county commissioners to expend federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds or similar relief funds, despite any lack of state authorization. Receipt of CARES Act or similar funds may not be considered a supplemental appropriation and do not count as revenue when setting the county's budget for the next fiscal year.

HB 4459 increases the County Improvements for Roads and Bridges (CIRB) Fund's cap to \$150 million from \$120 million. The increase will occur over a six-year period, with increases of \$5 million per year.

HB 3740 raises the estimated cost threshold required for the county engineer to prepare engineering plans and specifications. Estimated costs for constructing or reconstructing a culvert or bridge is raised from \$150,000 to \$300,000. Estimated costs for a grade-and-drainage project is raised from \$400,000 to \$800,000.

SB 1348 increases the compensation for members of county excise boards, from \$75 to \$125 per day for those in counties with an assessed valuation of \$2 billion or more and from \$50 to \$100 per day for those in all other counties.

SB 1248 allows county commissioners to establish a direct deposit payment system to pay county employees.

HB 3344 modifies the procedure for requisition and inventory tracking of county-owned equipment. The measure also modifies bid solicitation requirements. Modifications include:

- Requiring the use of a purchase order for repairs on heavy equipment exceeding 10,000 pounds, if the repairs cost under \$30,000. Repairs costing over \$30,000 must be submitted on a blanket purchase order;

- Raising the minimum cost of equipment that is required to be included in the inventory system kept by the county from \$500 to \$2,500;
- Requiring information technology hardware and software costing \$500 or more that is not used in the construction of roads and bridges to be included in the inventory system kept by the county; and
- Modifying the requirements of bid solicitation notices to specify whether written bids, electronic bids, or both will be accepted. The decision to only accept one type of bid is to be determined by vote of the county commissioners.

HB 3045 clarifies that a board of county commissioners may not deem any property in use by, or recorded on, the inventory list of a district as surplus if elections for any two county commissioners occur at the same time.

HB 4141 removes the requirement that a board of county commissioners authorize travel reimbursement claims by city-county health department employees in order for them to be reimbursed.

HB 3429 authorizes a county to electronically submit a record of conviction for larceny of livestock to the Oklahoma Department of Agriculture, Food, and Forestry for placement on the Livestock Offender Registry in lieu of sending a paper copy of the judgment and sentence.

HB 3026 raises the fee amount that a sheriff may charge for fingerprinting, from \$5 to a maximum of \$15, per card.

SB 976 allows sheriffs to sell property by public auction through the internet or other electronic means with a proper notice. It also authorizes the online auction marketplace used to conduct the sale to collect deposits and payments, settle transactions and remit payments to the court clerk. No sheriff, officer or person associated with the online auction marketplace

is permitted to purchase the property being sold.

HB 3079 removes the requirement for directors of county fire departments to own real property in their district.

HB 3056 authorizes municipalities, who are both subject to and exempt from the Municipal Campaign Finance and Financial Disclosure Act, to enact campaign finance and personal disclosure ordinances. Municipalities enacting their own ordinances may contract with an interlocal entity for administration and enforcement. If necessary, municipal governments may provide for a hearing and enforcement, however civil fines cannot exceed \$500. The measure also states that the Ethics Commission is to have no enforcement responsibilities.

HB 3132 allows the governing body of any municipality, public ambulance service district or emergency medical service district to enter into agreements with local first responder agencies for the purpose of acquiring assistance with emergency medical response. The measure provides certain conditions for agreements with first responder agencies.

HB 1058 modifies audit requirements for municipalities. Major modifications include:

- Raising the municipality income threshold for annual audit requirements from \$25,000 to \$50,000;
- Requiring municipalities with an income of at least \$50,000 and a population of 2,500 or less to be prepared on a biennial basis;
- Allowing municipalities to request a biennial agreed-upon-procedures engagement;
- Shifting the deadline for audits to be filed with the State Auditor and Inspector from six months to nine months after the closing of the fiscal year;
- Requiring that the monthly gasoline tax allocation withheld from municipalities by OTC for failure to file audit reports

be deposited into the Special Investigative Unit Auditing Revolving Fund; and

- Establishing the procedures of this measure to be utilized until June 30, 2024. The procedures should then be submitted to the Legislature for ratification.

SB 1343 expands the definition of a *qualified economic or community development purpose*, as used in the Municipal and County Economic and Community Development Bonds Act, to include county jails, detention facilities, emergency or first response facilities, county or public hospitals, clinics, emergency medical service facilities and county health department facilities.

Elections and Ethics

During this session, the Legislature focused on election integrity, including establishing and amending processes that ensure voter lists are accurate and elections are secure.

HB 3046 creates the Prohibit Private Funding in Elections Act, which prohibits any government or election official from accepting anything of value for purposes of conducting state or local elections. All elections must be conducted with public funds, not including franchise elections. First and second violations are misdemeanors, with third and subsequent violations constituting felonies. Donations not related to election administration may be accepted upon written approval by the Governor and written notification sent to the Speaker of the House and President Pro Tempore of the Senate.

HB 2974 requires the State Election Board to perform an annual query to determine how many individuals are registered at the same residential address. If more than ten registered voters share a single residential address, the State Election Board must provide a list to the secretary of the county election board who will notify the county's district attorney to investigate any potential criminal violations. The policy does not apply

to voters at nursing homes, veterans centers, state licensed facilities, medical facilities, multiunit housing, or uniformed or overseas voters.

HB 1711 allows for the electronic delivery of ballots and balloting material to blind individuals. The individual will receive an accessible absentee voting packet either electronically or by mail. Individuals may be given the opportunity to use their own computer and equipment to fill out the ballot and then print it off. Voters will be required to fill out an affidavit and then return the ballot, but cannot do so electronically. The individual may request assistance in filling out their ballot. If an individual who is not blind requests an absentee ballot in this manner, it will be considered a felony.

SB 523 prohibits any entity of state government from entering into a legal agreement or settlement of any kind that would alter or amend election procedures. The Governor, nor any state entity, will amend or alter election procedures in Oklahoma, except where specifically authorized in statute. Either chamber of the Legislature may intervene in any action, suit or proceeding that challenges or attempts to modify election procedures outlined in statute.

HB 3364 outlines identification requirements, including using an identification number, for applying for an absentee ballot by electronic communication. If there is no number match, the voter will be given instructions to contact the county election board. The voter will not be eligible to apply for an absentee ballot via electronic communication if their voter registration does not include a birth date or identification number. For a voter applying for an absentee ballot in person, by mail, or by fax, the procedures are the same except the absentee ballot will be accepted without a match on the numbers.

SB 1695 adds individuals appointed by the Governor as a director of an agency or as a cabinet secretary of the Governor to the list of individuals

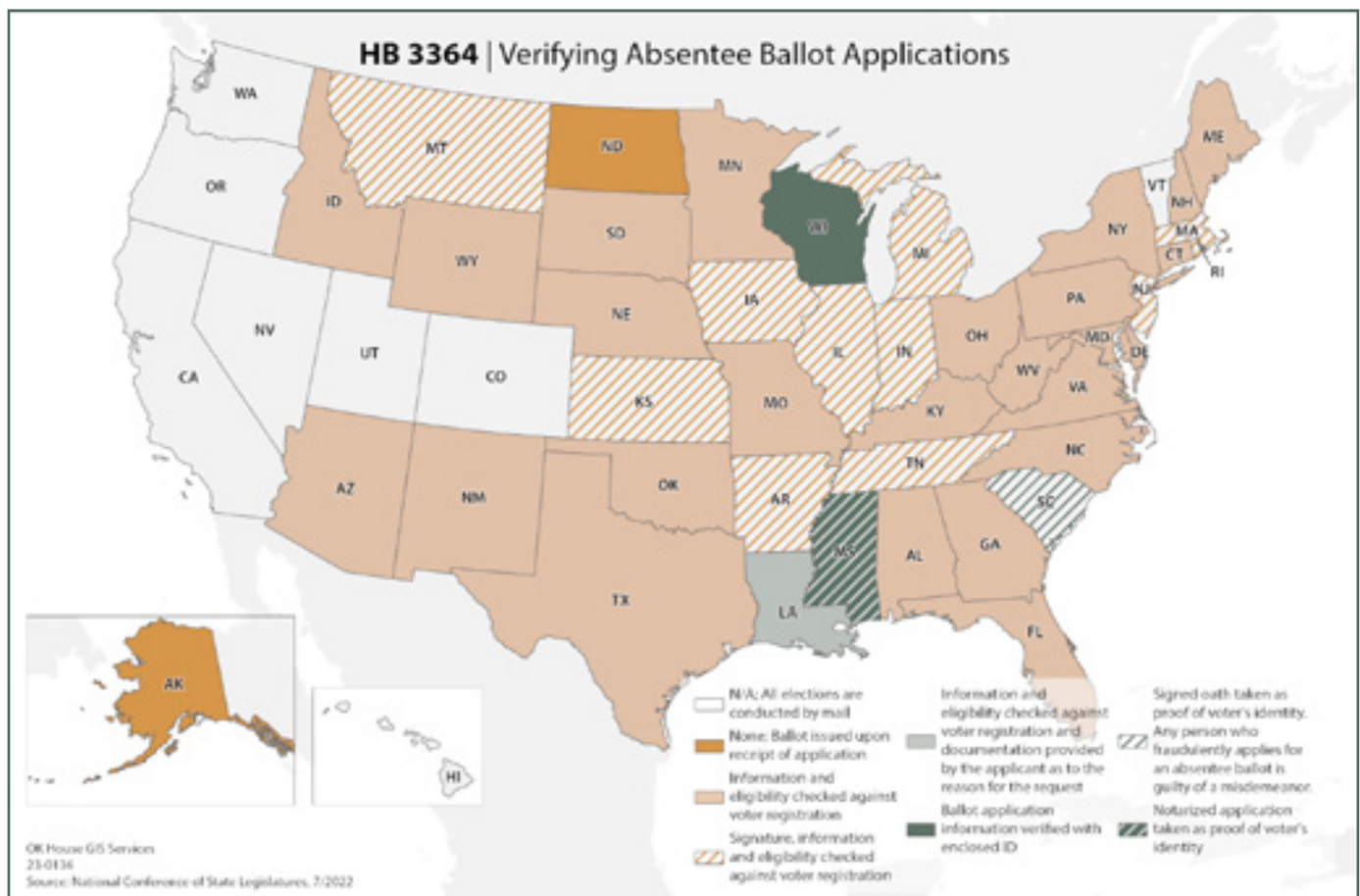
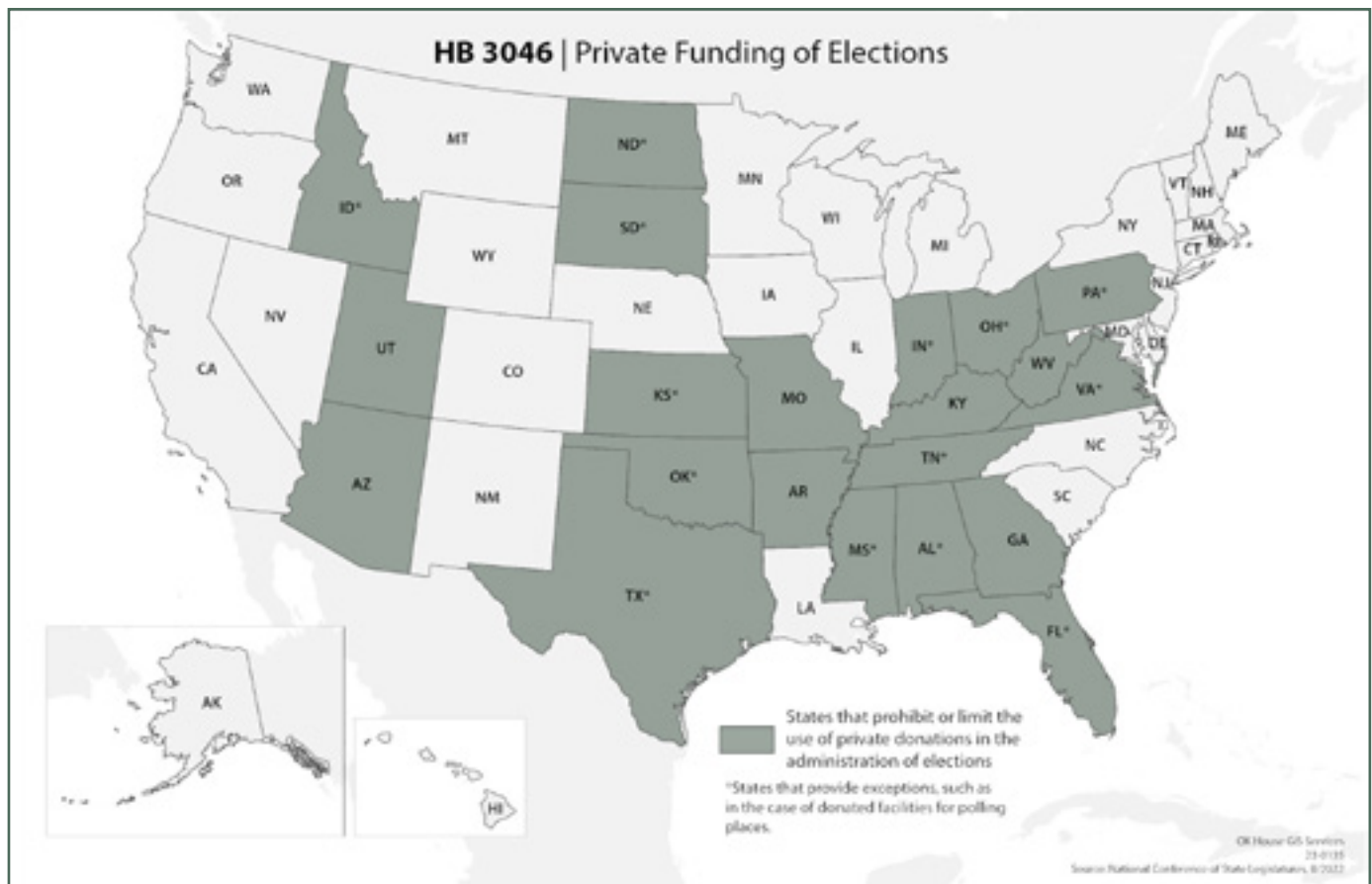
required to file financial disclosure statements pursuant to Ethics Commission rules.

HB 3056 authorizes municipalities, who are both subject to and exempt from the Municipal Campaign Finance and Financial Disclosure Act, to enact campaign finance and personal disclosure ordinances. Municipalities enacting their own ordinances may contract with an interlocal entity for administration and enforcement. If necessary, municipal governments may provide for a hearing and enforcement, however civil fines cannot exceed \$500. The measure also states that the Ethics Commission is to have no enforcement responsibilities.

SB 714 provides that the absentee voting board must deliver ballots and materials to incapacitated voters in nursing homes or veterans facilities any day after the request deadline and before election day. The measure also authorizes that a voter who becomes physically incapacitated or is deployed as a first responder after the deadline to make a written absentee ballot request.

HB 3321 requires ballots used in any election to be printed on paper, provided there is a method for a voter who requires assistance to cast a ballot. The measure prohibits using election watchers via electronic devices and prohibits devices or equipment used by the State Election Board or a county election board to count or tabulate ballots from connecting to the internet. This does not prohibit a secure network connection between the State Election Board and the county election board. A new unitary integrated voting system will be required starting in 2023 to report the official election returns of each election by precinct, including all votes cast in person and absentee.

HB 3365 clarifies when the State Department of Health transmits a certified list of resident deaths to the State Election Board they include only personal identifiers needed to compare the information against the state's voter registration database. This information is not subject to an Open



Records Act request. The measure also requires that if an individual registers to vote or changes their registration, the new registration card is mailed to a valid mailing address. A voter who is registered to vote at the same residence as five or more voters will be sent an address confirmation mailing. The public voter list maintained by the county election board must note anybody who had an undeliverable mailing from the election board. Inactive voters or voters who have an address in question will be required to complete an address confirmation form before voting.

HB 2976 allows county election board lists of registered voters to be shared with a court system only if the court system agrees to regularly provide the names of convicted felons to the Secretary of the State Election Board and the appropriate county election board secretary.

SB 1088 appropriates \$470,000 to the State Election Board to purchase ballot paper.

SB 1357 strikes obsolete language related to the candidacy criteria deadlines for 2022 elections for State Senator, State Representative and County Commissioner. Individuals must be registered in the party they are running under for a six-month period immediately preceding the first day of filing.

SB 1358 replaces “reapportioning” with “redistricting” as it relates to county election boards modifying precincts.

SB 1414 strikes the December 31, 2021, deadline to have been a registered voter and resident in order to file as a candidate in a State Senate district, instead reverting back to requiring a period of six months before the first date of filing.

SB 1578 removes an exception to the candidate filing requirements for the office of county commissioner for 2022 elections.

Retirement

HB 2487 provides that members of the Oklahoma Firefighters Pension and Retirement System (OFPRS) whose first date of employment was on or after November 1, 2013, are eligible for their normal retirement date after completing 20 years of credited service. Previously, they had to complete 22 years of credited service and be at least 50 years old.

The measure also provides that any member of OFPRS who receives annual compensation for serving as an active volunteer firefighter is considered to be a paid firefighter, other than reimbursement of expenses in excess of 5.5 times the annual pension benefit paid to a retired volunteer firefighter with 20 years of credited service.

HB 3709 allows for the purchase of up to five years of military service credit for certain members of the Oklahoma Police Pensions Retirement System (OPPRS), the Uniform Retirement System for Justices and Judges (URSJJ), the Oklahoma Law Enforcement Retirement System (OLERS), and the Oklahoma Public Employees Retirement System (OPERS) who were honorably discharged from any branch of the United States Armed Forces.

SB 743 modifies the definition of *permanent in-line disability* as it relates to OPPRS to mean when an officer becomes so physically or mentally disabled, as determined by an independent medical examiner, psychiatrist, or psychologist selected by the Oklahoma Police Pension and Retirement Board, in consequence of their duties that they can no longer perform their required duties.

Members who have a permanent in-line disability are eligible for a normal disability retirement benefit that is no longer based on the percentage of impairment to the member.

For member who have a permanent and partial disability and at least 10 years of service, the disability retirement benefit is based on the percentage of impairment and is changed to the following on the chart at the bottom of the page.

HB 2065 allows for the reinstatement of retirement benefits for members of OLERS who were hired on or after November 1, 2012, or May 24, 2013.

SB 1601 provides that for any contribution of less than 18.5 percent made to a county retirement system in FY 2022, an employer may retroactively make a one-time lump sum contribution equal to the difference between the actual total contribution made and the total contribution amount equal to 18.5 percent.

SB 1589 provides that expected administrative expenses are to be included in the determination of employer contributions to OLERS. The measure requires the payment necessary to amortize the unfunded accrued liability to be calculated according to the amortization schedule recommended by the actuary and adopted by the OLERS Board. Additionally, the measure strikes language referring to the actuary in regard to the interest rate for the Deferred Option Plan (DROP) account.

HB 4452 clarifies that the Legislature sets the maximum transfers of funds to the Teachers’ Retirement System Dedicated Revenue Revolving Fund.●

Percentage Impairment	Percentage of Accrued Retirement Benefits
1%-49%	50%
50%-74%	75%
75%-99%	100%



Health and Human Services

Abortion

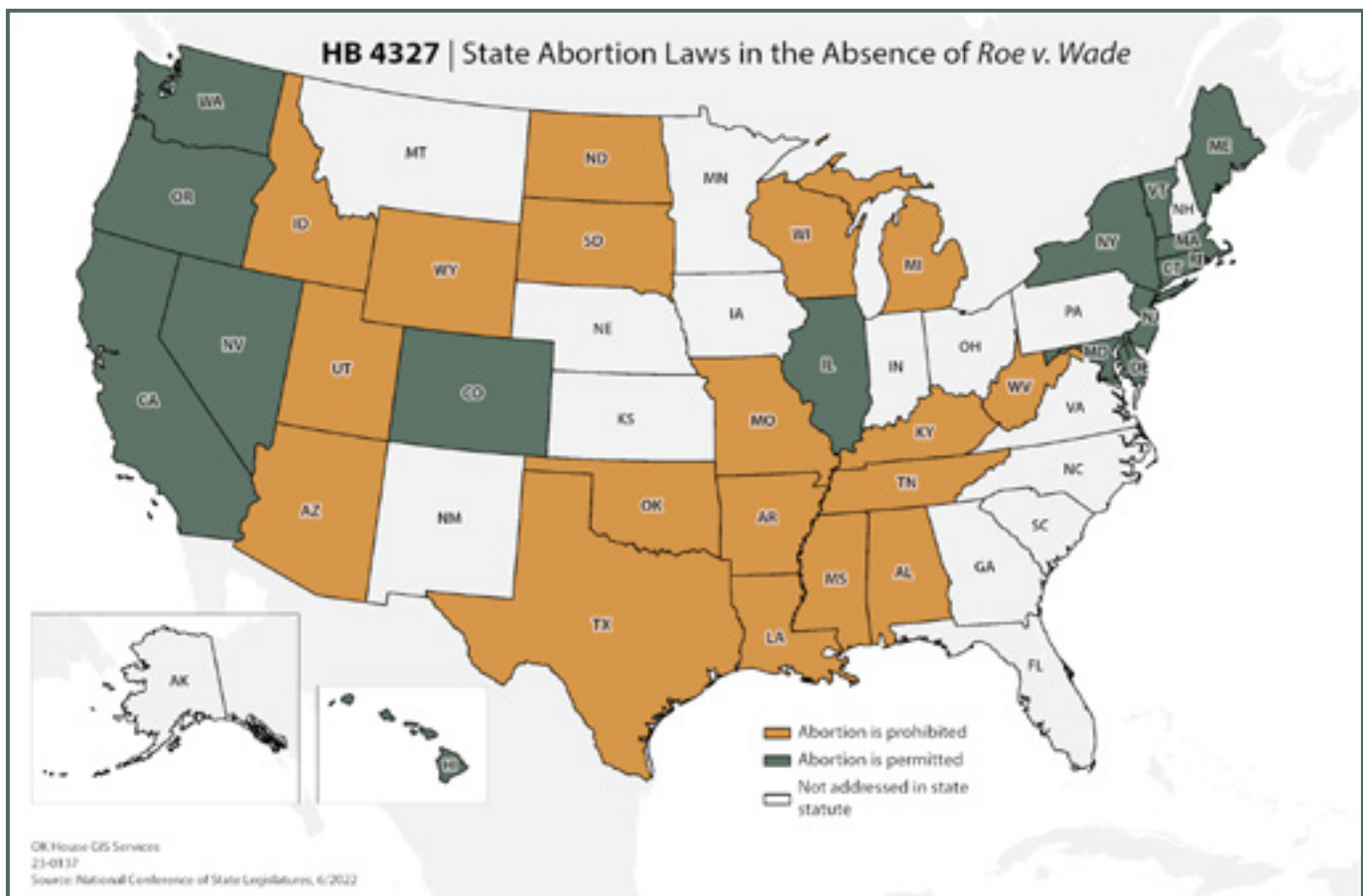
Pro-life legislation was a major priority for the 58th Oklahoma Legislature and lawmakers passed the most restrictive abortion laws in the country. Abortion is illegal in Oklahoma unless the mother's life is in danger.

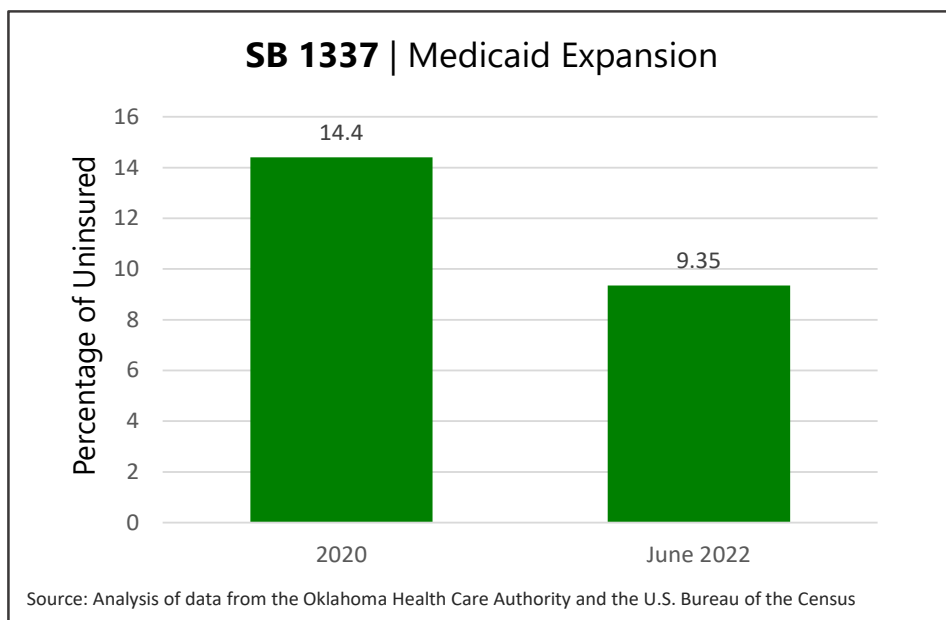
With the signing of **HB 4327**, abortion in Oklahoma is banned at conception. The act prohibits a person from performing or attempting to perform an abortion at any stage of gestation

from fertilization until birth unless the abortion is necessary to save the life of a pregnant person in a medical emergency or the pregnancy is the result of rape, sexual assault or incest that has been reported to law enforcement. The measure also provides that any person, other than

the state or any officer or employee of a state or local governmental entity, may bring a civil action against any person who performs an abortion or who knowingly aids or abets an abortion. The bill authorizes the court to award at least \$10,000 in damages if a claimant prevails in a lawsuit.

On June 24, 2022, the U.S. Supreme Court overturned *Roe vs. Wade* in the *Dobbs vs. Jackson* decision. This decision eliminates the constitutional right to an abortion and allows states to decide the legality of abortion.





SB 1503 creates the Oklahoma Heartbeat Act, which prohibits abortion after cardiac activity can be detected in an embryo – around six weeks of pregnancy. The law only authorizes abortion in the event of a medical emergency and allows people to take legal action against abortion providers, an employee of an abortion provider or a physician who performs the abortion. Anyone who successfully wins their lawsuit is entitled to at least \$10,000. Those who have an abortion procedure cannot be sued under this law.

SB 1555 amends “trigger language” from 2021’s SB 918 to state if the U.S. Supreme Court has overruled in whole or in part *Roe v. Wade* and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, the State of Oklahoma may enforce Title 21 Section 861 or enact similar statutes prohibiting an abortion throughout pregnancy. Title 21 Section 861 establishes a felony for providing an abortion unless it is necessary to preserve the life of the mother.

SB 612 prohibits an abortion or attempt to perform an abortion except to save the life of a pregnant person in a medical emergency. Any person convicted of performing or attempting to perform an abortion is guilty of a felony punishable by a fine up to

\$100,000 or a maximum sentence of imprisonment of 10 years, or both.

Medicaid

Lawmakers expanded on legislation from last session which provided the Oklahoma Health Care Authority (OHCA) with a regulatory framework for overseeing the managed care Medicaid expansion model. The expansion, which passed through **SB 1337**, focused on increasing health care access, improving healthcare outcomes and strengthening the economy. The measure provides that the Medicaid program authorized by the Legislature requires at least three statewide “capitated” contracts to be awarded for statewide Medicaid services. Capitated means the contractor gets paid a certain fixed amount for each enrolled Medicaid member and is then obligated to provide all necessary medical services. The contractor is reimbursed depending on how much they must spend on each member. The measure requires at least one of the contracts to provide health care services to be awarded to a provider-led entity, if a provider-led entity submits a reply to OHCA’s request for proposals and demonstrates its ability to fulfill the contract requirements. A provider-led entity is one owned and controlled by licensed providers in Oklahoma.

SB 1396 amends various provisions of law relating to the Supplemental Hospital Offset Payment Program (SHOPP) by requiring funds generated by the SHOPP fee to be disbursed in the following priority order:

- \$130 million will be transferred annually to the Medical Payments Cash Management Improvement Act Programs Disbursing Fund to pay for the state Medicaid program;
- Nonfederal share of the upper payment limit gap, the managed care gap, the managed care provider incentive pool;
- The nonfederal share of the annual fee to OHCA;
- \$30 million will be transferred to the Medical Payments Cash Management Improvement Act Programs Disbursing Fund; and
- Any remaining funds will be deposited into the Medicaid Health Improvement Revolving Fund.

The measure requires proportional reduction of disbursements if the nonfederal share generated by the SHOPP fees are not sufficient to fully fund the listed disbursements.

Further, the bill provides:

- The managed care gap will be calculated by OHCA using a 90 percent average commercial rates benchmark for determining the maximum amount that will be paid for hospital inpatient and outpatient services;
- Each eligible hospital will receive from the hospital inpatient managed care payment pool a per-discharge uniform add-on amount to be applied to each eligible hospital’s Medicaid managed care discharges for that calendar year; and
- Each eligible hospital will receive from the hospital outpatient managed care payment pool a uniform percentage add-on amount

to be applied to the base rate claims payments for hospital outpatient Medicaid managed care encounters.

Lastly, the bill outlines payment requirements for contracted entities.

SB 1134 repeals a provision of law that requires applicants to reside in the state for at least five years before seeking the Home and Community-Based Services Waiver for adults and the In-Home Supports Waiver for children.

SB 1467 requires OHCA to conduct an annual review of all medications, forms of treatment, and services for enrollees with sickle cell disease. The Authority is directed to solicit and consider input from the general public, including input from persons or groups with knowledge and experience treating sickle cell disease. OHCA will utilize the Oklahoma State Health Information Network and Exchange to collect information.

HB 3073 provides that restrictions on opioid prescriptions do not apply to patients with sickle cell disease.

SB 1661 defines the term *non-state government-owned* as it relates to a federal Medicaid supplemental payment program for non-state government-owned nursing facilities and hospitals. The measure provides that non-state government-owned means owned by a government other than the state including:

- Boards of control created and charged by a board of county commissioners;
- A public trust or other organization;
- A municipal governing body that has established and maintains a municipal hospital; and
- Any municipal or governmental body other than the state authorized to operate a health care facility.

SB 1323 allows a health care plan participating in the Medicaid premium assistance program that later becomes

a self-funded or self-insured health care plan to continue to be recognized by the Insurance Department and continue to participate in the program.

Health

SB 1100 requires the biological sex designation on a birth certificate to be either male or female and prohibits a nonbinary or any symbol representing a nonbinary designation, including the letter X.

SB 1369 creates the Office of the State Coordinator for Health Information Exchange within OHCA whose duty is to oversee the state-designated entity for health information exchange. The measure requires the state to temporarily serve as, or designate, the state-designated entity for health information exchange and establish a transition plan. The measure requires all health care entities licensed in the state to report data to and utilize the state-designated entity.

SB 709 provides that the State Commissioner of Health will serve at the pleasure of the Governor rather than the Oklahoma State Board of Health (OSBH). Potential candidates for the position of Commissioner of Health are exempted from appointment requirements if the candidate possesses at least a master's degree and has experience in management of state agencies or large projects. Certain powers and duties previously held by the State Board of Health are transferred to the Commissioner. The Commissioner is required to appoint a Chief Medical Officer (CMO) who reports directly to them. The CMO may maintain a clinical practice to retain expertise and remain current in his or her specialized field.

HB 2322 requires a pharmacy or pharmacist to receive direct reimbursement from OHCA when providing a service to a Medicaid member at a rate no less than that of other healthcare providers providing the same service. The bill also adds pharmacies and pharmacists to the definition of an *essential community*

provider, as used in the Ensuring Access to Medicaid Act.

HB 2649 creates the Oklahoma Durable Medical Equipment Licensing Act which requires any consumer supplier of durable medical equipment to possess a durable medical equipment supplier license. The act authorizes the State Board of Pharmacy to issue such licenses if certain qualifications are met and outlines certain violations that would allow the Board to revoke or suspend a license. The measure also provides the list of entities excluded from obtaining a license. The act provides the list of entities required to pay licensure fees and the fee amounts.

HB 3132 allows the governing body of any municipality, public ambulance service district or emergency medical service district to enter into agreements with local first responder agencies for the purpose of acquiring assistance with emergency medical response. The measure provides certain conditions for agreements with first responder agencies.

HB 3319 authorizes certain health care licensing boards to grant certain health care providers from other states a temporary 90-day critical need license to work in Oklahoma during a state of emergency declared by the Governor or President of the United States. These include the following professions: allopathic physicians, physician assistants, respiratory care practitioners and perfusionists.

HB 3469 allows a parent of a deceased child to view and hold their child's body before a medical examiner assumes custody. Parents are prohibited from holding and viewing their deceased child's body after a medical examiner assumes custody unless the parent has obtained consent of a district judge, medical examiner or their designee. Lastly, the bill provides specific conditions for viewing or holding the body of a deceased child whose death is under investigation.

HB 3504 expands the list of breast cancer screenings that must be covered by all health benefit plans.

HB 4463 directs OSDH to prioritize its funding for the regulation and enforcement of all programs and provisions associated with the Oklahoma Medical Marijuana Authority (OMMA), including but not limited to, the hiring and employment of additional staff at OMMA, as well as participating in interagency agreements with state law enforcement agencies for enhanced enforcement.

SB 399 authorizes persons licensed in physical therapy to use the title “Doctor” in conjunction with “Doctor of Physical Therapy” or “D.P.T.” if they have earned a Doctor of Physical Therapy degree from an accredited program recognized by the State Board of Medical Licensure and Supervision.

SB 1123 allows a responding law enforcement officer to authorize the removal of a body when the removal is determined to be in the public interest and conditions at the scene are adequately documented and preserved by photographs and measurements.

SB 1179 provides that training in the Department of Veteran Affairs may occur individually pursuant to the Quality Workforce for Oklahoma’s Heroes Act. The Department is authorized to utilize training programs through public or private schools and entities. The measure also clarifies the period of time an employee or prospective employee must be with the Department in order to receive certain reimbursements.

SB 1203 requires any health care facility, health care provider, or genetic counselor who renders prenatal care, postnatal care, or genetic counseling upon receipt of a positive test result for a chromosomal disorder, to provide the expectant or new parent with information provided by OSDH for the specific disorder. The measure specifies that such information will, to the extent practicable, be culturally and linguistically appropriate.

SB 1288 removes the requirement that the Governor’s appointments to the State Board of Behavioral Health Licensure come from a pre-approved list.

SB 1322 adds physician assistants to the list of professionals that may sign a death certificate, subject to the practice agreement signed between the physician assistant and supervising authority.

SB 1398 repeals the Health Care Information Advisory Committee and updates statutory references to reflect the change.

SB 1432 modifies various provisions of the State Dental Act. The measure:

- Modifies certain powers of the Board of Dentistry;
- Specifies that practices of dentistry do not prohibit the sale of any teeth whitening kit designed for self-administration;
- Removes the Central Regional Dental Testing Service from the list of places that the Board of Dentistry may accept regional exams;
- Provides that a dental exam may be conducted on a manikin instead of a live patient;
- Requires every licensee or permit holder to have an official address and email address listed with the Board;
- Authorizes the Board to issue a special volunteer license for any live patient training;
- Authorizes the Board to penalize any license holder for falling below the basic standard of care for a licensed dentist, hygienist, dental assistant, or other licensee or permit holder, and for failing to provide patient records; and
- Provides that a dentist residing in the state without practicing who wishes to maintain an active license may sign an affidavit stating that they are not practicing dentistry.

SB 1462 requires all licensed medical practitioners who provide maternal and infant care health services to educate pregnant patients about infant cardio pulmonary resuscitation and

basic first aid. The practitioner must provide information about cord blood banking and donation, and contacts for training programs.

SB 1464 requires the list of disorders screened for in newborns to be identical to the Recommended Uniform Screening Panel of the U.S. Department of Health and Human Services.

SB 1542 provides that no provisions of the Physician Assistant Act will limit the activities of a physician assistant in the performance of their duties as an employee of the Department of Veterans Affairs or another uniformed service. Any such physician assistant will be subject to the Act while practicing outside of the federal system.

SB 1596 creates the Oklahoma Health Care Agent Act which details the procedures for powers of attorney when an individual has lost capacity to make their own medical decisions. The measure lists the rights and responsibilities for the individual, the power of attorney, the attending physician and the health care facility as they pertain to the individual’s health care decisions. The measure provides a form that may be used to create a power of attorney for health care.

Further, the measure provides:

- A power of attorney will be empowered to make any health care decision the individual could have made while having capacity;
- Power of attorney will only become effective upon a determination of incapacity made by the attending physician and ceases to be effective if an individual recovers capacity;
- Powers of attorney are directed to make health care decisions based on the initial instructions of the individual and will be effective without judicial approval;

- Principals may revoke the designation of an agent at any time and in any manner that communicates an intent to revoke;
- Health care providers may decline to comply with an individual's instruction or health care decision for reasons of conscience. Such providers must promptly inform the patient and agent of the declined instruction; and
- Health care providers acting in good faith and in accordance with generally accepted health care standards are exempted from criminal and civil liability for complying with health care decisions.

SB 1043 directs OSDH to spend designated amounts of funding for the following purposes:

- \$100,000 for increased sickle cell outreach;
- \$2.5 million for targeted salary adjustments for agency employees involved in public health;
- \$200,000 for Oklahoma Athletic Commission operations;
- \$3 million for the continuation of the Choosing Childbirth Act; and
- \$1.9 million to health centers near designated medically underserved areas.

SB 1048 directs the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) to spend designated amounts of funding for the following purposes:

- \$2.6 million for general program growth;
- \$2 million to replace funding no longer available due to decline of the Federal Medical Assistance Percentage (FMAP) rate;
- \$7 million in targeted provider rate increases;

- \$2 million to increase funding for children with acute behavioral health issues;
- \$700,000 for veterans and their families;
- \$3.5 million to expand beds at the Oklahoma Forensic Center in Vinita;
- \$1 million to expand the family treatment court program; and
- \$500,000 to maintain five pilot programs to provide services for offenders incarcerated in county jails.

SB 1074 directs OHCA to implement an enhanced payment for intermediate care facilities for people with intellectual disabilities that provide vocational services or day services or both. OHCA will develop qualifications and determine payment methodology. The measure also provides \$3.2 million due to the decline of the FMAP rate.

HB 3040 modifies the filing deadline for any premium rate filing to occur at least 45 days prior to a premium rate increase for a Medicare supplement policy.

HB 4141 removes the requirement that a board of county commissioners authorize travel reimbursement claims by city-county health department employees in order for them to be reimbursed.

HB 3615 changes the compliance deadline from July 1, 2022 to July 1, 2023, for vapor manufacturers to report certain information to the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission.

Mental Health

The Legislature modified legislation from 2020 that required insurers to demonstrate their compliance with existing laws establishing parity between physical and mental health insurance coverage. Lawmakers also focused on implementing some safeguards for patients dealing with acute symptoms of mental illness.

Parity -- the state or condition of being equal.

SB 1413 requires insurers that offer coverage for mental health and substance abuse disorders to include in the conclusion section of their annual report sufficient detail to fully explain such conclusions, including the methodologies for the analyses, detailed descriptions of each treatment limitation and detailed descriptions of all criteria involved for approving mental health and substance use disorder benefits. The measure aligns state reporting requirements with federal requirements making compliance easier for insurers and promoting more transparent and useful reporting.

HB 4227 authorizes facilities holding a person requiring treatment who is deemed as medically unstable to medically stabilize the patient if able. Current law requires such facilities to discharge and transport medically unstable patients. The measure also creates a new category of clinics designated as urgent recovery clinics, which will offer voluntary services for the assessment and immediate stabilization of acute symptoms of mental illness, alcohol and drug abuse, and emotional distress. The act also provides that if a person held under an emergency detention order becomes medically unstable, the time limit on the emergency detention period will be tolled until the person is medically stabilized.

HB 3867 exempts facilities constructed or operated by University Hospitals Authority, University Hospitals Trust and a nonprofit entity which has a joint operating agreement with the University Hospitals Trust from the provisions of the Psychiatric and Chemical Dependency Facility Certificate of Need Act.

HB 3560 authorizes the trust created by the Board of Mental Health and Substance Abuse Services to sell three specific pieces of property described in the legislation.

SB 1235 changes the name of the Rose Rock Recovery Center at Vinita to the Transitions Recovery Center.

Children, Youth and Families

The Legislature focused on addressing the needs of children and families from a variety of viewpoints, including how they interact with the legal system, who is listed on a birth certificate, and related administrative standards.

HB 4466 directs appropriations to the Oklahoma Department of Human Services (OKDHS). The measure includes an appropriation of \$32.5 million for Home and Community-Based Services Waivers for people who have developmental disabilities, with the goal of eliminating the waiting list and ensuring access to those served through the ADvantage Waiver.

HB 3193 requires that the father of a baby born to an unwed couple be listed on the birth certificate if both parents agree on the paternity of the child. Mother and father will have equal rights and obligations to the child and the child.

SB 217 modifies the provisions of the Youthful Offender Act to improve consistent application of the law. The measure:

- Provides that an individual may be charged as a juvenile delinquent, youthful offender, or an adult, depending on the crime;
- Outlines preliminary hearing procedures for filing a motion of certification as a juvenile; and
- Provides for the process of sentence imposition and procedure for what to do when a juvenile ages out of Office of Juvenile Affairs (OJA) custody.

SB 1055 directs OJA to use \$2.5 million of its appropriated funds to update the Children's Emergency Resource Center reimbursement rates. The measure also allocates \$750,000 for purchasing vocational equipment, \$150,000 for

hiring two workforce development specialists, \$1.9 million for program development and enhancements, and \$1.7 million to increase funding for the transitional community housing and independent program.

HB 3133 requires county sheriffs of the arresting agency, their designee, any peace officer, contractors with OJA, or juvenile court officers to provide for the transportation of juveniles to and from secure detention for designated purposes. The measure also increases the reimbursement rates for personal services from \$12 to \$17 and meals for transporting personnel and transported juveniles from \$6 to \$10.

HB 3872 allows any entity contracting with OJA to apply to start a charter school. The measure also removes the requirement that the physical location of any charter school sponsored through OJA be in an OJA facility.

HB 3205 repeals a provision allowing a court to assess court costs, treatment costs, drug-testing costs, supervision and program fees against juvenile offenders and their legal guardians.

HB 3467 allows attorneys required to travel to more than one district court location to represent a parent in a juvenile proceeding to be allowed a reasonable mileage reimbursement.

HB 3076 allows a person having legal custody of a minor to enter into a settlement agreement with a party against whom the minor has a claim, if the total settlement amount is less than \$25,000. Proceeds from the settlement must be paid to the minor's designated account and may be withdrawn only after a court order authorizing the withdrawal, the minor's death, or upon the minor reaching age 18.

SB 1344 requires Court-Appointed Special Advocates (CASA) to complete education and training courses in accordance with national and Oklahoma CASA standards. Additionally, any person applying to be a CASA volunteer or to be employed

by their local program must go through a child welfare records search.

SB 1569 creates the Address Confidentiality for Child Survivors and their Families Act, which adds human trafficking and child abduction to the list of crimes addressed in the Address Confidentiality Program. The measure defines *human trafficking* and *child abduction*.

HB 2992 allows a guardian ad litem to be in the room with a child when a child is a witness in a proceeding where a child is alleged or adjudicated to be deprived. The measure also amends definitions of *child witness*, *criminal proceeding*, and *certified therapeutic dog*.

SB 1286 exempts facilities licensed as a family child care provider by a branch of the United States Department of Defense or by the United States Coast Guard from the provisions of the Oklahoma Child Care Facilities Licensing Act.

SB 1408 requires the Oklahoma Partnership for School Readiness Board to serve as the administrator of the statewide child care resource and referral network and to serve as the state clearinghouse for early childhood education and development programs and services.

Long-term Care

SB 1163 authorizes each district attorney, in coordination with the District Attorneys Council, to develop a multidisciplinary team for the investigation and prosecution of crimes committed against elderly and vulnerable adults. The team will intervene in reports involving sexual abuse, abuse, neglect or exploitation. Any investigation must be conducted according to the protocols outlined in the measure except cases in which personnel are not available or OKDHS determines that there is reasonable cause to believe a delay in investigation or interview of a victim could place the victim's health or welfare in danger. •



Judiciary

HB 3918 directs that when a commutation is granted, the Secretary of State is to file notice with the clerk of the court that imposed the original sentence within 30 days. The Secretary of State is to ensure that all victims are given notice in writing of the decision no later than 20 days after commutation has been granted or denied.

SB 1738 modifies the procedures used to determine the mental competency of a person to be executed. There is a presumption that a person who has received a judgment of death is mentally competent. The term *mentally incompetent to be executed* is defined to mean that because of a mental condition, the person is presently unable to have a rational understanding of the reason they are being executed, that they are to be executed, and that execution is imminent. The measure also:

- Allows for the filing of a motion by the defense for a competency hearing within 7 days of an execution date being set;
- Requires the Court of Criminal Appeals to remand the issue of competency to be executed to the original trial court;
- Requires the original trial court to hold an evidentiary hearing to determine if a substantial doubt as to the person's competency has been raised;
- Requires the court to order an examination of the person by a qualified forensic examiner from

the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) if substantial doubt as to competency has been raised; and

- Requires the trial court to conduct a hearing to determine whether the person is mentally competent to be executed after all examinations are complete.

If a preponderance of the evidence shows the person is mentally incompetent to be executed, a stay of execution is to be ordered by the Court of Criminal Appeals. The person may be reexamined within four months to determine if the person remains mentally incompetent to be executed. After being found incompetent to be executed, the ODMHSAS and the Department of Corrections is to determine a place of confinement until competency is restored. If the trial court finds that the person is competent to be executed, the warden is to proceed with the execution.

SB 1742 provides that a defendant may appeal to the Court of Criminal Appeals from the denial of a pretrial motion seeking immunity from prosecution for the use of deadly force within 10 days of the denial of the motion. Priority is to be given to appeals and an order staying proceedings is to be entered pending the outcome of the appeal. If an appeal is not brought within 10 days of denial, the defendant waives appellate review of the claim of immunity and subsequent motions and appeals pursuant to immunity are to be dismissed.

HB 3957 deletes provisions that allow the court clerk to collect a fee for language interpreter services in criminal cases and prohibit the court from waiving or dismissing criminal court costs. The measure also allows an existing \$0.45 fee charged in each civil case filing to be used by the State Supreme Court for expenditures related to providing language access in the district courts and credentialing and training Oklahoma courtroom interpreters.

HB 4118 provides that beginning in fiscal year 2023, each court reporter is to receive an annual salary of \$53,000 and each secretary-bailiff is to receive an annual salary of \$42,000.

HB 3316 provides that beginning November 1, 2025, and subject to the availability of funds, individuals with clean slate eligible cases may have their criminal records sealed automatically. The Oklahoma State Bureau of Investigation (OSBI) is required to identify eligible cases and submit those cases to the prosecuting and arresting agencies monthly. Both agencies and OSBI have 45 days to object to the automatic expungement. Any agency can object if they believe the case does not meet eligibility as a clean slate case, the individual has not paid court-ordered restitution or if the agency has a reasonable belief that the individual is continuing to engage in criminal activity. If an agency objects, the record will not be expunged. If no objection is made within the 45 days, OSBI is to seal the record and send notice to the court clerk and law

enforcement agencies. Annually, OSBI is to report to the Legislature a list of all cases where a record was not expunged.

SB 6 modifies the definition of *accessories* by providing that a person is accountable for accessory to murder if the person knew or reasonably should have known that the conduct committed upon the victim could foreseeably result in the death of the victim.

HB 3648 provides that a preliminary hearing must commence no later than nine months from the initial appearance of the defendant. If commencement of the preliminary hearing is delayed past the nine month time limit, a show cause hearing is to be scheduled by the court.

HB 4077 allows the court to dismiss an action or a motion for summary judgment if the court determines the claim is proven *knowingly false*. *Knowingly false* is defined to mean the claim or defense was knowingly asserted with the intent to deceive.

HB 3450 modifies the procedure for amending pleadings by requiring a proposed amendment to a pleading be submitted with a motion for leave of court.

HB 3381 amends service of process procedures by allowing personal service to be completed at an agreed upon meeting place with someone who resides at the person's dwelling home or usual place of abode.

HB 3021 modifies the definition of *judge of competent jurisdiction* as used in the Security of Communications Act. Previously, the term referred to the presiding judge of the Court of Criminal Appeals. Now, the presiding judge may designate another member of the Court of Criminal Appeals to serve in this capacity. In addition, the measure modifies the Security Communications Act to require the judge of competent jurisdiction to file a report with the Clerk of the Court of Criminal Appeals rather than the Administrative Director of the Courts.

SB 1460 grants district courts exclusive jurisdiction in determining probate proceedings. The proper venue for a probate proceedings is clarified and is based on whether the deceased was a resident of the state, which county the deceased lived and died in and which county housed the assets of the estate. For joined probate proceedings, the proper venue is any county that meets one of the outlined criteria for one of the decedents as long as proper notice is provided.

HB 3053 provides an option to the court to defer a sentence for up to two years when an offender successfully completes a drug court program.

HB 3066 requires municipal courts to report criminal history information on each person subject to mandatory reporting requirements to OSBI.

HB 3383 establishes a one-year period of limitation to apply to the filing of any application for post-conviction relief.

SB 1311 modifies the Governmental Tort Claims Act by providing that the term *employee* includes independent contractors and employees of independent contractors who are actively engaged in the transport of individuals in need of initial assessment, emergency detention or protective custody for mental health evaluation. The measure also provides that claims for relief relating to personal injury, loss of earnings or loss of property should be submitted via a written claim and must include certain criteria. Lastly, the measure modifies the definition of *tort* to clarify that it does not include a claim for inverse condemnation.

SB 1340 updates the Uniform Testamentary Additions to Trust Act to allow property to be gifted to an existing trust or a future trust by will. Property can also be transferred to a trust upon death of the testator if the trust is included in the deceased individual's will and the terms of the property transfer are set forth in other written documents.

SB 957 modifies the procedures for assigning justices or judges when

making a substitution for a recused or disqualified justice or judge. The measure specifies that no justice or judge may sit on any case to which he or she presided over previously, regardless of which court heard the case. The measure also requires the Governor to assign a retired Supreme Court justice to a matter before the Supreme Court when there are less than seven qualified justices due to recusal or disqualification. If no retired Supreme Court justice is available, the Governor may assign a member of the State Bar who possesses the same qualifications as a member of the Supreme Court. Additionally, the measure provides the Governor is to assign a retired member of the Court of Criminal Appeals if a member recuses him or herself from a case. If no retired member is available, the Governor is to assign a judge from the Court of Civil Appeals to the matter in substitution of the recused or disqualified member.

HB 3205 repeals a provision allowing a court to assess court costs, treatment costs, drug-testing costs, supervision and program fees against juvenile offenders and their legal guardians.

HB 3075 requires any reissued marriage certificate to contain the original marriage date and be notated as "reissued" or "amended." The name on the marriage certificate may be any combination of either party's names, but cannot be used to do a full name change. Once issued, the marriage ceremony must be performed within 30 days. The license and completed marriage certificate must be returned within 30 days after issuance.

HB 3812 requires applicants for a temporary shorthand court reporter certificate to submit an application to the State Board of Examiners of Certified Shorthand Reporters and pay an examination fee. The measure also allows the Chief Justice of the Oklahoma Supreme Court to renew temporary certificates in emergency situations for longer than 90 days, and eliminates one hour of Oklahoma court rules and procedures from the continuing education requirement for court reporters.

HB 3541 increases the judgment creditor fee paid to a bank to cover the costs incurred in answering a general garnishment from \$25 to \$35.

Workers' Compensation

SJR 51 approves the Workers' Compensation Fee Schedule for maximum rates paid for reimbursement to medical providers.●





Public Safety

Several measures were enacted to aid in streamlining the delivery of state services and to focus the mission of the Department of Public Safety (DPS).

HB 3419 transfers all powers, duties, responsibilities and employees relating to the issuance of driver licenses and motor vehicle license registration from DPS and the Oklahoma Tax Commission (OTC) to the newly created Service Oklahoma, a division of the Office of Management and Enterprise Services.

HB 4008 transfers all powers, duties, functions, records, employees, property, matters pending, funds, and responsibilities of the Size and Weights Permits Division of DPS to the Oklahoma Department of Transportation (ODOT) on July 1, 2022. The measure increases from \$1.5 million to \$2.5 million the amount of proceeds from the permit fees and overweight permit fees to be remitted to the DPS to operate port of entry weigh stations. The measure provides that any proceeds collected in excess of \$3.7 million are to be deposited in the Weigh Station Improvement Revolving Fund.

SB 1541 authorizes a person to operate a fully autonomous vehicle without a human driver, provided that the automated driving system is engaged and the vehicle meets certain conditions outlined in the measure. Prior to operating the vehicle without a human driver, the person must submit a law enforcement interaction plan to DPS that shows law enforcement how

to communicate with a fleet support specialist who is available during the times the vehicle is in operation, how to safely remove the vehicle from the roadway, how to recognize whether the vehicle is in autonomous mode, proof of insurance coverage equal to at least \$1 million, and any additional information the manufacturer or owner deems necessary. If there is an accident involving the vehicle, it must remain at the scene of the accident and the owner must report the accident. The measure also authorizes the use of on-demand autonomous vehicles, provided the use of the vehicle does not contradict the provisions of the Oklahoma Transportation Network Company Service Act. Commercial vehicles may be used as well. Fully autonomous vehicles must be properly registered in accordance with the Oklahoma Vehicle Licensing and Registration Act. The measure clarifies that the automated system piloting the vehicle is to be considered the driver for the purpose of assessing compliance with applicable traffic or motor vehicle laws. DPS and ODOT are authorized to promulgate administrative rules to implement the provisions of this measure.

SB 1613 creates a Mental Wellness Division within DPS with a director appointed by the Commissioner of Public Safety. The division is to provide services and programs to public safety personnel to promote mental wellness. The measure states that all current and former employees of the division are to maintain the privacy of all public safety personnel and prohibits privileged personal health

information from being shared with the commissioner or made public without the consent of the person. Aggregate mental health information may be shared with the commissioner if the commissioner believes that doing so improves mental wellness policies. The measure creates the Mental Wellness Division Revolving Fund and allows for the establishment of a not-for-profit foundation to raise funds.

SB 338 modifies the requirements for certain positions in DPS. No person can be appointed unless the person is a citizen of the United States and of good moral character and the commissioner is given the authority to determine minimum qualifications for all positions within DPS. Commissioned officers of the Department are required to meet certain criteria as outlined in the measure and are prohibited from being a candidate for any political office or to contribute any money or thing of value to any political campaign.

HB 4470 provides more than \$15 million for the pay increases to the commissioned officers of the Oklahoma Highway Patrol (OHP), communications dispatchers of DPS, security services personnel at the Oklahoma Capitol building and to create and maintain the mental and wellness division.

HB 4471 requires DPS to file a written report with the Legislature detailing certain metrics regarding OHP trooper academies including expenditures, the number of applicants and graduates for each academy and the net number of

Conviction Number	Length of Revocation
First	180 days
Second	Not less than 1 year
Third	Not less than 3 years

troopers added to OHP in a calendar year.

HB 3421 provides that beginning January 1, 2023, applications for REAL ID Compliant Driver License or Identification Cards must be made to Service Oklahoma or a licensed operator. Applications for REAL ID Noncompliant Driver Licenses or Identification Cards must be made to Service Oklahoma. From July 1, 2022 through May 31, 2023, each motor license agent accepting driver license applications for 100 percent disabled veterans or from individuals sixty-five years of age or older will receive \$6 of the cost of a 4-year license and \$12 of the cost of an 8-year driver license, which will be deducted from the daily motor license agent receipts.

HB 4353 allows DPS to accept a certified copy of a birth certificate coupled with a Department of Corrections-issued consolidated record card as a valid form of photo identification to obtain a REAL ID Noncompliant Identification Card.

SB 942 requires applicants for a restricted commercial driver license to have held a valid driver license for at least one year. Applicants with more than two years of driving experience must have a good driving record for the most recent two years. Applicants for the restricted commercial driver license are exempt from the knowledge and skills test. A restricted commercial driver license is valid for the maximum total days that federal law allows.

SB 366 modifies the length of time a person's driving privileges are to be revoked after certain convictions, including driving under the influence. The revocations remain in effect until the person completes the Impaired Driver Accountability Program (IDAP). A revocation for failure to

comply with the implied consent law is effective 45 days after the arrested person is given written notice. The periods of revocation are shown in the chart above.

If the Department's records do not reflect receipt of a sworn report outlining the law enforcement official's reasonable grounds for believing the petitioner had been driving or was in actual physical control of a motor vehicle while under the influence, the court must stay the appeal for 180 days from the date of the arrest or until the sworn report is received by DPS. During the appeal, the Department must restore driving privileges if the person is otherwise eligible. The measure requires the district court to hold a hearing between 30 and 60 days from the date the petition is filed.

Lastly, the measure outlines rules for the IDAP program and allows the Board of Tests for Alcohol and Drug Influence to charge an administrative fee of \$150 per person. The IDAP rules at a minimum must:

- Require the installation of an ignition interlock device;
- Include a description of ignition interlock violations;
- Include a description of criteria to determine participation;
- Require violation free periods of not less than 90 days at the end of each program;
- Include criteria for medical exemptions from ignition interlock requirements;
- Include criteria for granting employer exceptions to ignition interlock requirements; and
- Include criteria for granting affordability accommodations

for persons on public assistance programs.

HB 4100 creates the Operation Work Zone Awareness program. The program is designed to educate the public on the dangers of committing moving violations when traveling in a highway construction work zone by developing and publishing a work zone awareness presentation to the DPS website. Certain motorists who have received a moving violation citation, pay a \$75 fee, complete the program and provide the certificate of completion in court, are entitled to a dismissal of their moving violation fine. Participation in the program is voluntary and offenders can only participate once.

SB 1515 modifies the definition of a *certified emergency medical response agency* as used in the Oklahoma Emergency Response Systems Development Act to allow limited transport in an emergency vehicle, upon approval from the appropriate online medical control at time of transport. Emergency ambulance transportation is not required when a patient's apparent clinical condition does not warrant it. The decision to transport patients is to be determined by the protocols established by the regional medical director.

Law Enforcement

SB 968 directs a law enforcement agency to deny access to any audio or video recording that depicts the death of a law enforcement officer acting in the course of his or her official duties. The video may be released if the court finds that the public interest or the interest of an individual outweighs the reason for denial. The measure retains the prosecutor's and defense attorney's right to use the videos as evidence in a legal proceeding. Lastly, family members of the deceased officer may view the audio or video of the officer's death.

HB 3065 allows a commissioned employee of the Oklahoma Bureau of Narcotics to purchase the rifle or shotgun issued to a retiring

commissioned employee immediately prior to retirement and upon approval from the director.

HB 3970 modifies the Oklahoma State Award Program by creating the Oklahoma Red Heart and Oklahoma Blue Heart awards. They are to be awarded to law enforcement and public safety members who were seriously injured in the line of duty. The Red Heart award is limited to municipal firefighters and the Blue Heart award is limited to law enforcement and public safety members employed by municipalities, counties, the state and employees of federal agencies working in Oklahoma.

HB 3501 was originally vetoed by the governor, but was overridden by the Legislature. The measure requires DPS to recognize and act upon a report of conviction in a court of any federally recognized Indian tribe within Oklahoma or a court of the United States in the same manner it acts upon any report of conviction from an Oklahoma state or municipal court. The measure adds a definition of *qualified court* to mean those tribal court systems that have adopted the Tribal Law and Order Act of 2010.

SB 1565 gives the Attorney General the power to cross-deputize any municipal police officers, sheriff deputy or a designee subject to an interlocal governmental agreement with the Attorney General's Office to encourage cooperation between those law enforcement entities. The measure provides that liability for any conduct of the officer remains with the respective employer of the officer.

HB 3133 requires county sheriffs of the arresting agency, their designee, any peace officer, contractors with the Office of Juvenile Affairs, or juvenile court officers to provide for the transportation of juveniles to and from secure detention for designated purposes. The measure also increases the reimbursement rates for personal services from \$12 to \$17 and meals for transporting personnel and transported juveniles from \$6 to \$10.

SB 1370 authorizes the Council on Law Enforcement Education and Training (CLEET) to establish, in the minimum curriculum requirements, training that includes recognizing and managing a person appearing to require mental health treatment or services, crisis intervention and techniques to assist with de-escalating interactions between security guards, private investigators and the public.

SB 1151 eliminates redundant language as it relates to valid forms of identification used to determine the recipient's identification number and recipient's agent identification number in the Anti-Drug Diversion Act. The measure also provides that the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may disclose nonconfidential statistical information gathered from the central repository to the general public for statistical, research, substance abuse prevention or educational purposes. The measure clarifies that the information collected in the central repository is considered confidential and the records are not subject to the Oklahoma Open Records Act, a subpoena or discovery.

Motor Vehicle Registration

HB 3423 removes a provision that required certain motor license agent fees be deposited into the General Revenue Fund.

SB 1276 directs OTC to implement a program to permit the electronic filing, storage and delivery of boat and motor certificates of title and to allow a lienholder to perfect, assign and release a lien on a boat or motor in lieu of paper documents.

HB 3674 changes the verbiage used to determine the grace period when a person has failed to pay all taxes due to the state for motor vehicle registration from a 30-day period to a one-month period of time.

SB 1300 provides that beginning January 1, 2022, any registration fee for a physically disabled license plate will be remitted at the same time as

the existing motor vehicle registration. OTC is required to send notifications of renewal for special license plates to the email address provided by the holder of the plate. If an email address is not provided, OTC must notify the person by mail.

SB 1387 creates four new license plates and provides that the letters "PM" followed by 4 random numbers or numbers requested by the customer should be used as the designation for Paramedic License Plates. The new license plates include the:

- Diabetes Awareness License Plate;
- Alliance of Mental Health Providers of Oklahoma Plate;
- Stillwater Public Schools License Plate; and
- Air Medal License Plate.

SB 1474 allows motor license agents to transfer the title on a vehicle with a commercial lien. The transfer must be to a person or trust whose name is included on the loan for which the lien is placed, or if the transfer is from a person who has died, upon the submission of a death certificate. The transfer of the title does not release any lien or debt based solely on the transfer of the certificate of title.

Miscellaneous Public Safety

HB 3054 creates a weight exemption of up to 2,000 pounds in excess of vehicle weight limits for a motor vehicle or commercial motor vehicle operated by an engine fueled wholly or partially by an electric battery or hydrogen fuel cell electric fueling system.

HB 3179 allows an Oklahoma military surplus vehicle collector to operate military surplus vehicles on streets and highways if a certificate of registration and license plate has been issued by OTC.

HB 3217 modifies the definition of *motor vehicle* within Oklahoma's manufacturers' warranties statutes to include recreational vehicles.

HB 3271 renames the Used Motor Vehicle and Parts Commission as the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission. The measure also increases the maximum number of full-time-equivalent employees authorized for the agency from 12 to 15.

HB 4150 requires motor vehicles and buses approaching railroad tracks to treat other on-track equipment the same as trains.

SB 80 requires a person employed as an unarmed security guard to obtain CLEET licensure within 45 days of employment.

SB 1173 updates the reference year for the National Sheriff's Association

annual conference from 2020 to 2024, and updates the location from Tulsa County to Oklahoma County.

SB 1430 increases the maximum speed for motorized scooters to 35 mph and increases the piston or rotor displacement from 35 to 50 cu cm. A person must be at least 14 years of age to operate a motorized scooter.

SB 1485 exempts passenger car rental establishments from the requirement that the vehicle be inspected by OTC prior to issuing a title for an out-of-state vehicle. The establishments are required to pay any associated fees.

SB 1706 requires a battery-charged security fence to meet certain requirements. The fences must be:

- Interfaced with an alarm system;
- Located on nonresidential property;
- Powered by a commercial storage battery that is not more than 12 volts;
- Surrounded by a non-electric fence; and
- Marked clearly and meet certain height requirements.

The measure also preempts a municipality or county from adopting any ordinance or regulation of battery-charged security fence provided the fence meets these requirements.●





Revenue and Taxation

With a record \$9.8 billion budget in a good economic year for the state, legislators made an effort to bring new business to Oklahoma and provide relief for taxpayers with various tax credits and deductions.

HB 3081 creates an income tax credit for up to 10 percent of qualified economic development expenditures and 50 percent of initial infrastructure expenditures incurred by an eligible business for a qualifying project. The qualifying project must be located in an industrial park, economic development zone, or port in a county with a population of 100,000 or less or be adjacent to a terminal, switching, or Class II or III railroad. The Oklahoma Department of Commerce is responsible for verifying the eligibility of a project, reviewing eligible expenses and allocating credits.

Each qualifying project is subject to the following tax credit caps:

- \$6 million for economic development expenditures;
- \$3 million for initial infrastructure expenditures; and
- \$6 million combined cap for both economic development and infrastructure expenditures.

The tax credit may be claimed in tax years 2023 through 2027, is subject to a \$12 million annual cap, may be carried over for up to five subsequent tax years, and may be assigned to a qualifying project affiliate upon submission of a written assignment agreement to the Oklahoma Tax Commission (OTC).

SB 1857 extends the one-time income tax credit for investments in qualified clean-burning motor fuel property to hydrogen powered vehicles through tax year 2028. For tax years 2023 through 2028, the credits will be limited to \$30 million annually:

- \$10 million for CNG/LPG property;
- \$10 million for hydrogen property; and
- \$10 million for electric recharging systems.

Additionally, the maximum credit for vehicles in excess of 26,501 pounds is increased from \$50,000 to \$100,000.

HB 3418 creates an income tax deduction to allow taxpayers to fully expense the cost of qualified business assets in the same tax year the asset was placed in service, effective tax year 2022. Qualified business assets are those eligible under Section 179 of the Internal Revenue Code (IRC). Taxpayers may also receive a 100 percent bonus depreciation deduction for property eligible under Section 168 of the IRC in the same tax year the asset is placed in service.

SB 401 exempts 100 percent of retirement benefits received by an individual from any component of the Armed Forces of the United States from state income tax.

HB 3088 creates an income tax credit for up to 10 percent of non-recurring adoption expenses incurred in connection with an adoption or proposed adoption of a minor. The

credit may be claimed beginning tax year 2023 and is limited to \$2,000 per year for single filers or \$4,000 per year for joint filers. The measure also eliminates the existing income tax deduction for eligible non-recurring adoption expenses effective tax year 2022.

HB 3649 provides a tax exemption for sales to 501(c)(3) organizations that provide support to members of the military to assist with the transition to civilian life. Organizations must submit documentation to OTC showing that more than 70 percent of its revenue is expended on support for transition to civilian life.

SB 1496 provides a tax exemption for sales to or by the Oklahoma Women Veterans Organization.

SB 1670 extends a sales tax exemption to the surviving spouse of a person determined by the U.S. Department of Defense or any branch of the U.S. military to have died in the line of duty, if the spouse has not remarried.

SB 1305 provides a sales tax exemption to a nonprofit entity that has the principal function of providing assistance to persons after a disaster, with an emphasis on repair or restoration to or replacement of single-family residential dwellings. To be eligible, the nonprofit entity must be a 501(c) entity exempt from federal income tax that was organized prior to January 1, 2019, and offers its services free of charge to low-income disaster survivors in the state.

HB 3821 extends the apportionment of gross production tax revenue to the following funds until July 1, 2027:

- Oklahoma Tourism and Recreation Department Capital Expenditure Revolving Fund;
- Oklahoma Conservation Commission Infrastructure Revolving Fund;
- Community Water Infrastructure Development Revolving Fund; and
- Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund.

SB 1079 provides that a manufacturing company that otherwise qualifies for an ad valorem tax exemption will have the payroll requirements for calendar year 2021 waived for tax year 2022.

HB 1682 extends the ad valorem tax exemption for livestock employed in support of a family, to include animals owned wholly or in part by a resident or entity of another state.

SB 192 removes the requirement that all unmanufactured farm products be assessed and valued for the purpose of ad valorem taxation.

SB 1685 provides that the amount of state tax credits awarded to a qualified project under the Oklahoma Affordable Housing Act are not to exceed the amount of federal low-income housing tax credits.

SB 258 provides that, for the fiscal year beginning July 1, 2022, and all subsequent years, 100 percent of revenues derived from the aircraft excise tax will be placed to the credit of the Oklahoma Aeronautics Commission Revolving Fund.

SB 1781 requires aircraft dealers to include whether the aircraft is exempt from aircraft excise tax in their reports to OTC.

SB 1339 amends the definition of *marketplace facilitator* to mean a person who facilitates retail sales of a marketplace seller's product. *Product* is defined as tangible personal property, services, or other transactions taxable

under the sales tax code. The measure extends the collection obligation of a marketplace facilitator to apply to any other taxes administered by OTC that are levied by local jurisdictions on the retail sale of a product.

SB 1302 requires OTC to notify any state employee not in compliance with income tax laws that a percentage of their wages may be subject to garnishment. Previously, the law required the employee to have received three notifications before their wages were subject to garnishment.

SB 72 repeals the Oklahoma Research and Development Incentives Act effective November 1, 2022. A related measure, **SB 410**, requires claims for refunds provided pursuant to the Oklahoma Research and Development Incentives Act to be submitted to OTC by July 1, 2022.

HB 4451 waives the payroll eligibility requirement for tax year 2021 for manufacturing facilities receiving a tax incentive via the five-year ad valorem exemption.

Tax Incentives

HB 4455 creates the Large-scale Economic Activity and Development (LEAD) Act of 2022, which provides for a 10-year investment rebate program for the cost of qualified capital expenditures for certain establishments based on creation of new direct jobs. The threshold number of new direct jobs required for qualification are as follows:

- 500 new direct jobs in year one of the rebate payment period;
- 1,000 cumulative new direct jobs in year two of the rebate payment period;
- 2,500 cumulative new direct jobs in year three of the rebate payment period;
- 4,000 cumulative new direct jobs in year four of the rebate payment period; and

- 4,000 cumulative new direct jobs in year five of the rebate payment period.

To be eligible for the program, the primary establishment must provide a capital expenditure plan with qualified capital expenditures totaling no less than \$3.606 billion. An establishment with expenditures of no less than \$500 million may be eligible if a separate establishment with \$3.606 billion has been approved by the Department of Commerce. Additionally, to be eligible, an establishment must have made qualified capital expenditures of no less than 20 percent of its capital expenditure plan, be qualified to receive payments through the Oklahoma Quality Jobs Program Act, and have filed all Oklahoma tax returns and documents.

For establishments qualifying for the program that have capital expenditures of no less than \$500 million, the threshold numbers of new direct jobs will be reduced proportionally to reflect the lesser capital expenditure.

The investment rebate payment will be 3.4 percent of the cost of the qualified capital expenditure in the year of expenditure, and is payable for five consecutive years, so long as the establishment remains eligible.

Primary establishment capital expenditure amounts less than \$4.5 billion will not be eligible to receive the current investment tax credit. A companion measure, **HB 4454** appropriates \$698 million to the LEAD fund for FY 2022.

HB 4085 creates the Oklahoma Rural Jobs Act, which provides a tax credit to investors who make capital investments into an eligible rural fund certified by the Department of Commerce. The tax credit is equal to a percentage of the capital investment and may be claimed for a period of six years. The percentage is 0 percent for the first two years and 15 percent for the subsequent four years. Credits awarded under the act are nonrefundable, but may be carried forward for up to five subsequent tax years. Credits are capped at \$15 million per year and can be claimed

beginning tax year 2023. An insurance company claiming the tax credit will not be required to pay any additional retaliatory tax as a result of claiming the credit. To become a certified rural fund, applicants must pay a \$5,000 nonrefundable application fee and submit the following information to the Department:

- The amount of capital investment requested;
- A copy of the applicant's license as a rural business or small business investment company;
- Evidence that the applicant has made at least \$100 million in investments in nonpublic companies located in counties throughout the United States with a population of less than 75,000; and
- A business plan that includes a revenue impact assessment that estimates the amount of state and local revenue to be generated and the number of jobs that will be created and retained by the proposed qualified investments.

The Department may recapture awarded credits if the rural fund does not invest 60 percent of its capital investment authority in qualified investments within two years of the date of the capital investment, and 100 percent of its capital investment authority within three years. Furthermore, at least 70 percent of the initial qualified investment must be made in businesses located in rural areas, defined as any county in the state with a population of less than 75,000 or a city or town with a population of less than 7,000.

HB 3568 creates a rebate program for oil and gas companies that implement qualified emission reduction projects through July 1, 2027. The rebate is for 25 percent of documented expenditures made to implement the qualified projects. Rebate payments are capped at \$10 million in any fiscal year. If the cap is exceeded, the rebates

will be pro-rated. The measure also creates a five-year gross production tax exemption for oil and gas production projects approved by the Corporation Commission that use secondary and tertiary recovery methods. The exemption will be administered as a refund. The total amount of these refunds may not exceed \$15 million in any fiscal year. Further, any wells drilled but not completed as of July 1, 2021, which are completed with the use of recycled water on or after July 1, 2022, will earn an exemption from the gross production tax for a period of 24 months from the date of first sales. The exemption will be proportional to the percentage of recycled water used to complete the well and will be administered as a refund. The total amount of these refunds authorized may not exceed \$10 million in any fiscal year.

Tax Administration

HB 3905 adds medical marijuana gross receipt taxes to the list of unpaid business taxes that an individual can be held personally liable for nonpayment. Other administrative tax code updates include:

- Requiring taxpayers with a direct pay permit to submit documentation to OTC for a refund of sales tax erroneously paid to a vendor.
- Allowing OTC to conduct hearings related to sale tax permits via teleconference or videoconference and reducing the required minimum meeting locations from two to one or more locations in the state; and
- Updating references that required tax remittance at 5 percent, instead of the current (4.75 percent) top marginal individual income tax rate.

Tax Protests and Tax Review

Lawmakers passed two bills this session to address the high rate

of companies protesting their tax valuations, which can have detrimental effects on school funding.

HB 2627 requires each county assessor to mail a report listing any tax protests in excess of \$3 million to each school district and recipient tax jurisdiction before June 1 each year. The measure also authorizes the county assessor to appoint, or request OTC to appoint, an appraiser to assist in the valuation of residential and non-residential property. Any third-party appraiser may not participate in negotiations or protests, and their contracts and emails will be subject to the Open Records Act.

HB 3901 requires the Court of Tax Review to hear complaints challenging a county board of equalization's valuation of property that exceeds \$3 million. A scheduling conference is required within 20 days of the answer filed by the county assessor, and a decision in each case must be made within 12 months of the case being assigned to a three-judge panel. Cases before the Court of Tax Review must go before a judicial administrative district that does not contain within its borders any of the property in the case.

HB 4413 allows the county assessor to appoint, or request OTC to assign an appraiser to assist the county assessor in valuing residential property. For nonresidential property, the assessor must consult with OTC prior to appointing an appraiser to assist with valuations. Appraisers assisting the county assessor with valuation may not participate in any valuation negotiations or protests. Contracts and communications between an appraiser and assessor are subject to the Open Records Act. Any assessor appointed or assigned must be state-certified under the Oklahoma Certified Real Estate Appraisers Act and have successfully completed the advanced accreditation program conducted by the Oklahoma State University Center for Local Government Technology.●



Transportation

HB 3740 raises the estimated cost threshold required for the county engineer to prepare engineering plans and specifications. Estimated costs for constructing or reconstructing a culvert or bridge is raised from \$150,000 to \$300,000. Estimated costs for a grade-and-drainage project is raised from \$400,000 to \$800,000.

SB 1224 raises the allowance for special maintenance projects approved

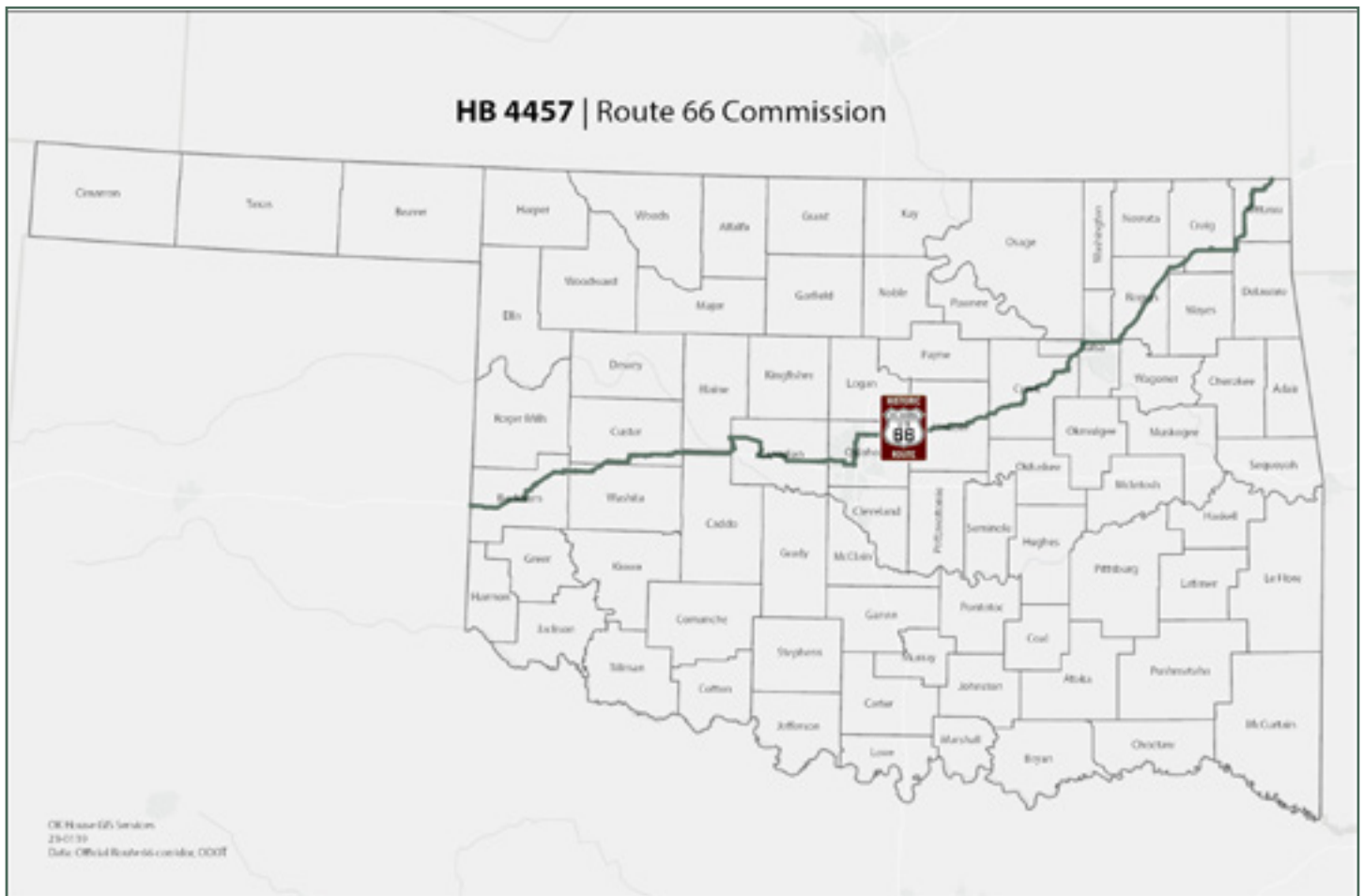
by the Transportation Commission from \$500,000 to \$1 million.

HB 4150 requires motor vehicles and buses approaching railroad tracks to treat other on-track equipment the same as trains.

SB 1229 allows the Department of Transportation (ODOT) to use funds from the Highway Construction Materials Technician Certification Revolving Fund for the certification

of individuals seeking to become registered highway construction materials technicians. The measure eliminates the Highway Construction Materials Technician Certification Board and removes all duties of the Board regarding the revolving fund.

Enacted after a successful veto override, **HB 4457** creates the Route 66 Commission and the Oklahoma Route 66 Commission Revolving Fund



until June 30, 2027. The purpose of the Commission and the Fund is to preserve and develop Route 66 and commemorate the Route 66 centennial. The nine-member Commission will promulgate rules for the application and procedures for awarding projects seeking funding. The revolving fund may receive up to \$6.6 million in sales tax apportionments.

SB 1351 requires the Transportation Commission to settle or litigate claims exceeding \$5,000 for damages to or loss of property belonging to ODOT. The Director of Transportation or their designee will settle or litigate all other claims.

HB 4105 designates the following memorial bridges, highways, or trails:

- Army 2nd LT. Tobias Alexander Memorial Bridge;
- Bellmon Brothers Memorial Bridge;
- Boone Pickens Memorial Highway;
- Captain Mark A. Barker Memorial Highway;
- Cecil Davis Memorial Bridge;
- Clarence and Ethel Branch Memorial Highway;
- Edgar L. Hamm Memorial Highway;
- Edward A. Hilliary, Jr. “Junior” Memorial Highway;

- Gerald Holmes Memorial Highway;
- Harold Halton Memorial Highway;
- Hunter Ford, Fernando Flores, Jack Sarver, and Kaleb Foster Memorial Highway;
- Jerry Evans Memorial Bridge;
- Judge Dean Linder Memorial Highway;
- Loyd Stout Highway;
- Lt. Shirley Lanning Memorial Highway;
- MAJ Kerry “WarDog 6” Trent and SSG Michael D. Ward Memorial Trail;
- Mitchell Earls and Billy Stratton Memorial Bridge.
- OHP Captain Larry Jackson Memorial Highway;
- Okla. Horse Racing Hall of Fame Inductee Carl and Rozella Pevehouse Highway;
- PFC Travis J. Grigg 101st Airborne Division Memorial Bridge;
- Senator Billy A. Mickle Memorial Bridge;
- Senator Bruce L. Frazier WWII Veteran Memorial Highway;
- Senator Roger Ballenger Memorial Highway;

- SGT Billy Rodgers Memorial Bridge;
- SGT Mycal Prince Memorial Bridge;
- SGT Ronald Crews Bridge;
- SGT Ryan Hogan Memorial Bridge;
- SP-4 Wilbert Gresham Memorial Highway;
- SSG Rodney Aaron Hagan Memorial Bridge;
- SSGT Jerry Michael Chitwood Memorial Bridge;
- Undersheriff Monty Martin Memorial Bridge;
- William Mark Miller Memorial Highway;
- Womack Four Corners; and
- WWII Veteran Roy J. “Junior” Herring Memorial Highway.

The measure also modifies location descriptions of the Medicine Park Trail, Private Robert “Bob” Clark Memorial Bridge, CMS Junior H. Honeycutt Memorial Highway, and Gold Star Families Memorial Bridge and modifies the names of the Gold Star Families Memorial Bridge, MSG Michael Werdehoff Vietnam MIA Memorial Bridge, Mayor Martin Dyer Memorial Highway and USS Arizona Survivor Lonnie D. Cook Memorial Highway.●



Veterans and Military

HB 1067 creates the Dignity in Burial Act, which directs the Oklahoma Department of Veterans Affairs (ODVA) to establish a program to provide a burial grant of up to \$1,000 for any honorably discharged veteran who lacked the financial capability prior to their death to prepare or provide for interment or cremation. Any applicant must provide documentation that establishes the burial location of the deceased veteran's remains and that the veteran was provided an appropriate casket and memorial headstone if interred. To be eligible for the grant, the deceased must be a veteran who died in Oklahoma and was not in the custody of the Department of Corrections at the time of death.

SB 1587 creates the K-I-A Reinterment Fund within ODVA for the purpose of disinterring those who were killed in action (KIA) and reinterment in a State Veterans Cemetery. The fund is capped at \$300,000, and the director of ODVA will establish an application procedure and the criteria for awarding

financial assistance. All applications must be approved by the Oklahoma Veterans Commission.

SB 856 allows for reimbursement for necessary travel expenses incurred by the director of the Oklahoma Military Department (OMD), other employees of OMD and persons performing substantial and necessary services to the state in support of the Oklahoma National Guard.

SB 1269 allows OMD to purchase computer hardware and software and related services without prior approval from the Office of Management and Enterprise Services Information Services Division.

SB 1814 updates statutory language by replacing references to the Oklahoma Veterans Center with the State Veterans Home. The measure specifies that the proceeds received from the sale of the State Veterans Home in Talihina will belong to ODVA to be used for replacing the Ardmore Veterans Home with a long-term care facility.

HB 4449 creates the Military Justice Revolving Fund for the Oklahoma Military Department (OMD) for the purpose of prosecuting military misconduct. The measure also exempts OMD from the Art in Public Places Act.

SB 1667 provides that a county assessor may suspend valuation increase notifications to a property owner if that property owner is exempt from ad valorem tax under Sections 8E and 8F of Article X of the Oklahoma Constitution and if mailing the notification would create an undue burden.

SB 1333 clarifies that the Union Soldiers Cemetery located in Oklahoma City is to remain under the supervision of the Adjutant General of the State of Oklahoma until funds and a clear title to the property has been established. Upon clear title the property will be transferred to ODVK.●



Appendix I

Summary of Vetoes

HB 1964 would have modified the salary requirements of the juvenile bureau director to be set by a board of county commissioners. This bill would have also eliminated the requirement that the director's salary cannot exceed 90 percent of salaries of county Class A Officers.

Governor's Veto Message:

"Currently, the chief judges of juvenile divisions, not county commissioners, have the authority to hire and terminate directors of juvenile bureau. See, 10A O.S. § 2-4-102. Moreover, the chief judges of juvenile divisions are uniquely situated to assess juvenile bureau directors and determine salaries, in accordance with existing laws. House Bill 1964 unnecessarily alters the relationship between chief judges of juvenile divisions, juvenile bureaus, and county commissioners."

HB 3540 would have allowed physician assistants to sign the medical certification of a death certificate.

Governor's Veto Message:

"The purpose of House Bill 3540 has been accomplished by Senate Bill 1322, which I have signed into law, thereby making this bill superfluous."

HB 3692 would have allowed public trusts operating a hospital to pay their trustees.

Governor's Veto Message:

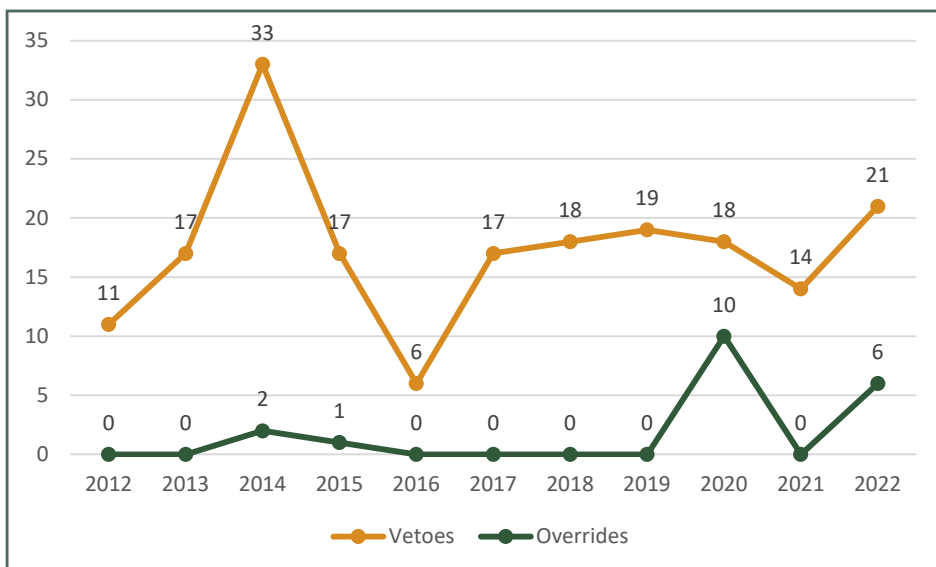
"Enrolled House Bill 3692 would allow public trusts that operate a hospital to pay trustees for their service. The State has hundreds of boards and commissions with thousands of volunteers serving without compensation. Public hospital trusts should be treated the same. If enacted, HB 3692 would set a dangerous

precedent and likely lead to numerous other state boards asking Oklahoma taxpayers to provide similar pay for their members."

HB 4082 would have created the Mental Health Transport Revolving Fund and clarified law enforcement's responsibility for transporting individuals in need of initial assessment, emergency detention or protective custody. For transportation needed within a thirty-mile radius, the law enforcement agency that made the initial contact would have been responsible for transporting the individual. For patients who self-present and consent to voluntary transport to a facility for inpatient treatment, the facility receiving the patient would have been responsible for arranging transportation or the patient may have arranged alternative transportation. The transportation requirements provided in this measure would have been considered complete once a connection had been made with health care facility staff and it was apparent the patient was not presenting a clear or immediate threat to the safety of the staff.

Governor's Veto Message:

"Although Enrolled House Bill 4082 would resolve linguistic inconsistencies owing to the enactment of multiple, inconsistent amendments to Section 1-110 of Title 43A of the Oklahoma Statutes during the 2021 Legislative Session, this bill would do more than cleanup existing statutory language. It also would create a new transport revolving fund for the Department of



Mental Health and Substance Abuse Services. While this bill would only create—rather than appropriate or otherwise direct any monies to—a fund, I have no doubt that Oklahoma taxpayers would soon be saddled with costs.

“Further, I fully support reforming our broken mental health system. For too long we have relied on law enforcement officers to intercede and be responsible for helping a person in the middle of a mental health crisis, regardless of whether they have the training. Law enforcement’s job is to protect the public and we should be looking at real reforms to address how we help and treat those in mental health crisis, as opposed to asking law enforcement to fill existing gaps in our broken system.”

HB 4084 would have repealed a statute related to a public service announcement campaign under the Oklahoma Marriage Initiative.

Governor’s Veto Message:

“Enrolled House Bill 4084 would repeal a section of Title 56 of the Oklahoma Statutes that created a statewide public service announcement campaign, under the Oklahoma Marriage Initiative (Initiative), promoting marriage. The Initiative began under the leadership of Gov. Frank Keating in 1999.

“I see no reason to repeal a provision of law that created a program dedicated to the promotion of marriage, which I proudly support and consider to be one of society’s foundational institutions.”

HB 4192 would have required state agency websites to be in compliance with all personally identifiable data laws by November 1, 2023. For any future changes to the personally identifiable data laws, agencies would have had 12 months to comply. The noncompliance of agency websites would have resulted in the removal of the agency’s director, who may only return if reappointed.

Governor’s Veto Message:

“Currently, Oklahoma law requires all public bodies to publish certain information on their or a general

website (if the agency uses a general website). See 74 O.S. § 3106.4. This requirement was most recently updated in November of 2019, which means public bodies should already be in compliance. HB 4192 would provide for the removal of agency directors whose agencies fail to comply with current website publication requirements within (12) months of the effective date of this bill. While I fully support the goal of this bill and expect all agency directors to comply with state law, this bill gives agency directors twelve additional months to comply with publication requirements that took effect nearly three years ago. Rather than extend the compliance period another year from the effective date of this bill, I have issued Executive Order 2022-06, which will accomplish compliance at a much earlier date.”

HB 4473 would have appropriated \$181 million to the Inflation Relief Stimulus Fund.

Governor’s Veto Message:

“Enrolled House 4473 would appropriate \$181,026,750.00 to the Inflation Relief Stimulus Fund (‘Giveaway Fund’). This fund would give handouts of \$75.00 a ‘person having a single filing status,’ and \$150.00 to ‘persons having a married filing status.’ Because those checks would be subject to federal taxation, citizens would receive only about 75% of those amounts, on average. In other words, State dollars would be paid to the federal government in exchange for a diminished payment to Oklahomans in December.

“Rather than spending \$180 million on one-time payments that would further spur inflation—the very issue we need to combat—we should give Oklahoma taxpayers permanent relief. That is why I have invited the legislature to join me to work on solutions such as a repeal of the state grocery tax and a reduction of the state income tax. These calls align with conservative, Oklahoma values rather than expensive government handouts that provide little actual benefit to the taxpayer.”

HB 4474 would have created the Inflation Relief Stimulus Fund, which would have authorized the State Treasurer to distribute \$75 to persons with single filing status in tax year 2021 and \$150 to persons with married filing status in tax year 2021. The monies, which are not subject to Oklahoma income tax, would have been distributed on December 1, 2022, or as soon as possible thereafter.

Governor’s Veto Message:

“Enrolled House Bill 4474 would create the Inflation Relief Stimulus Fund which gives handouts of \$75.00 to a ‘person having a single filing status,’ and \$150.00 to ‘persons having a married filing status.’ Because those checks would be subject to federal taxation, citizens would receive only about 75% of those amounts, on average. In other words, State dollars would be paid to the federal government in exchange for a diminished payment to Oklahomans in December.

“Rather than spending \$180 million on one-time payments that would further spur inflations—the very issue we need to combat—we should give Oklahoma taxpayers permanent relief. That is why I have invited the legislature to join me to work on solutions such as a repeal of the state grocery tax and a reduction of the state income tax. These calls align with conservative, Oklahoma values rather than expensive government handouts that provide little actual benefit to the taxpayer.”

SB 176 would have allowed an extension through FY 2023 for the temporary increase of accumulation limits for annual leave and the carry over of unused annual leave for state employees enacted in 2021 due to COVID-19.

Governor’s Veto Message:

“Last session, legislation was enacted that temporarily increased accumulation limits for annual leave and allowed state employees to carry over certain unused annual leave due to the COVID-19 pandemic until the end of fiscal year 2022. Senate Bill 176

would extend this benefit through the end of fiscal year 2023, over two years after the COVID-19 state of emergency was lifted. Continuing to permit the carry-over of pandemic related leave would negatively impact tax payers and create a continuing fiscal burden on state agencies.”

SB 537 would have made various changes to the Oklahoma Commission on Children and Youth, including making alterations to board membership and procedures for the state plan. The measure would have also given the Commission the authority to promulgate rules for the Parent Partnership Board, including authorization to compensate members for their time and reimburse for travel and childcare.

Governor’s Veto Message:

“As part of Enrolled Senate Bill 537, public funds would be made available for use by a commission to reimburse board members for time, travel, and childcare services associated with their service. Although I commend individuals who make sacrifices to serve on boards and commissions, reimbursement for expenses of this kind would create a slippery slope for which Oklahoma taxpayers would become responsible.”

SB 903 would have extended the term of agreements for any tourism attraction project from 10 to 15 years. Any businesses that have existing agreements with the Department of Tourism could have increased the total number of years on their agreements to 15 years with approval of the Department’s Executive Director.

Governor’s Veto Message:

“Senate Bill 903 unnecessarily extends a tax credit from 10 years to 15 years.”

SB 1075 would have eliminated the 1.25 percent sales tax on motor vehicles.

Governor’s Veto Message:

“Enrolled Senate Bill 1075 would remove the current 1.25% tax levied on the sale of motor vehicles or optional equipment or accessories. This does little, if anything, to alleviate the real financial burden Oklahomans are facing due to a forty-year inflation rate and record high gas prices. In fact, the only beneficiaries of this tax break are those who can afford a new car or truck. Meanwhile every family in the state is paying more for food and groceries to gas and everything in between.

“We should be passing real tax reform that provides immediate relief and allows every Oklahoman to keep more of their hard-earned money regardless of how much they make or whether they can afford a new car.”

SB 1243 would have exempted vehicle titles requiring a transfer to a salvage or junked title resulting from an insurance claim that utilizes an out-of-state or tribal title from a vehicle identification number inspection. The measure would have also permitted documents required for a transfer of the ownership of a vehicle to an insurer resulting from the settlement of a total loss claim that required a notarized signature to be signed electronically.

Governor’s Veto Message:

“Senate Bill 1243 creates a loophole for out-of-state and tribal titles by exempting them from inspection requirements designed to protect consumers. Furthermore, the bill—perhaps inadvertently—legitimizes tribal titles even though, according to the Department of Public Safety, settled law indicates a number of tribally tagged and tilted vehicles are currently being operated unlawfully.”

SB 1282 would have directed that a risk-assessment screening tool approved by OJA be used when a

child is taken into custody pursuant to Oklahoma Juvenile Code provisions.

Governor’s Veto Message:

“Contrary to Article VI of the Oklahoma Constitution, Enrolled Senate Bill 1282 would seemingly remove from judges the ability to make independent and informed determinations about whether children should be taken into and/or remain in custody based upon allegations of delinquent or otherwise criminal conduct and would effectively empower an executive agency to make many such determinations.”

SB 1429 would have exempted all teacher candidates or teachers seeking certification from the requirement to pass the general education portion of the competency examination if they had a master’s or doctorate degree.

Governor’s Veto Message:

“The purpose of Senate Bill 1429 has been accomplished by House Bill 3658, which I have signed into law, thereby making this bill superfluous.”

SB 1436 would have required that before a nurse aid began employment or a contract the employer must review their criminal history background check.. The measure would have also no longer allowed employers to hire nurse aids who have committed crimes that resulted in them being registered on the sex offender registry or nurse aids convicted of human trafficking offenses.

Governor’s Veto Message:

“Enrolled Senate Bill 1436 is a solution in search of a problem. Current law already provides mechanisms for certification, training, and evaluation of nurse and medication aides. Put simply, this bill would unnecessarily complicate existing, and sufficient, processes. ●

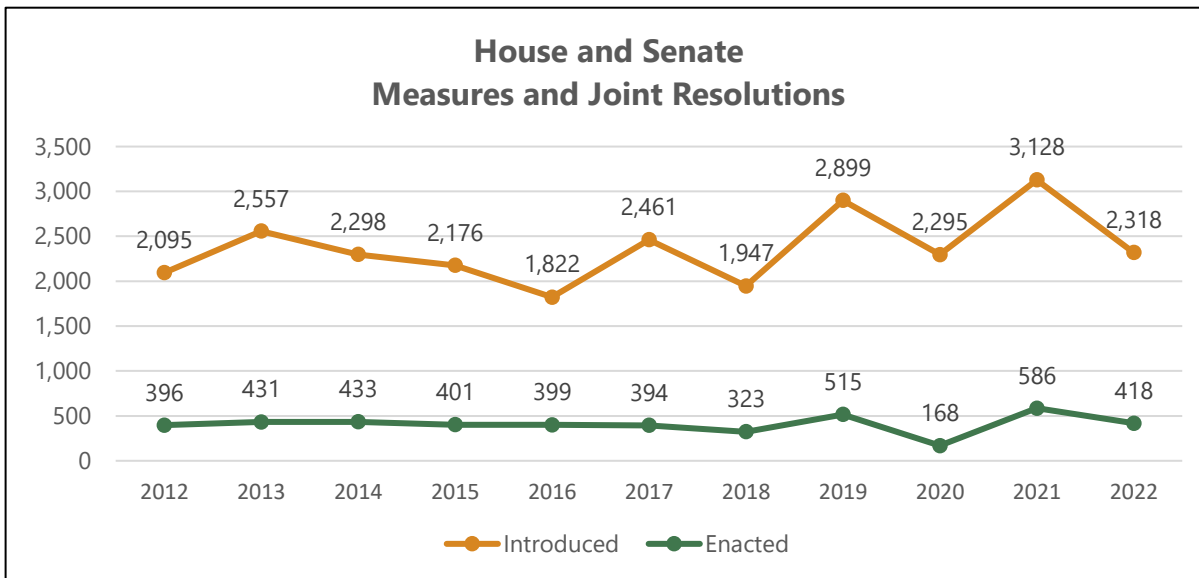
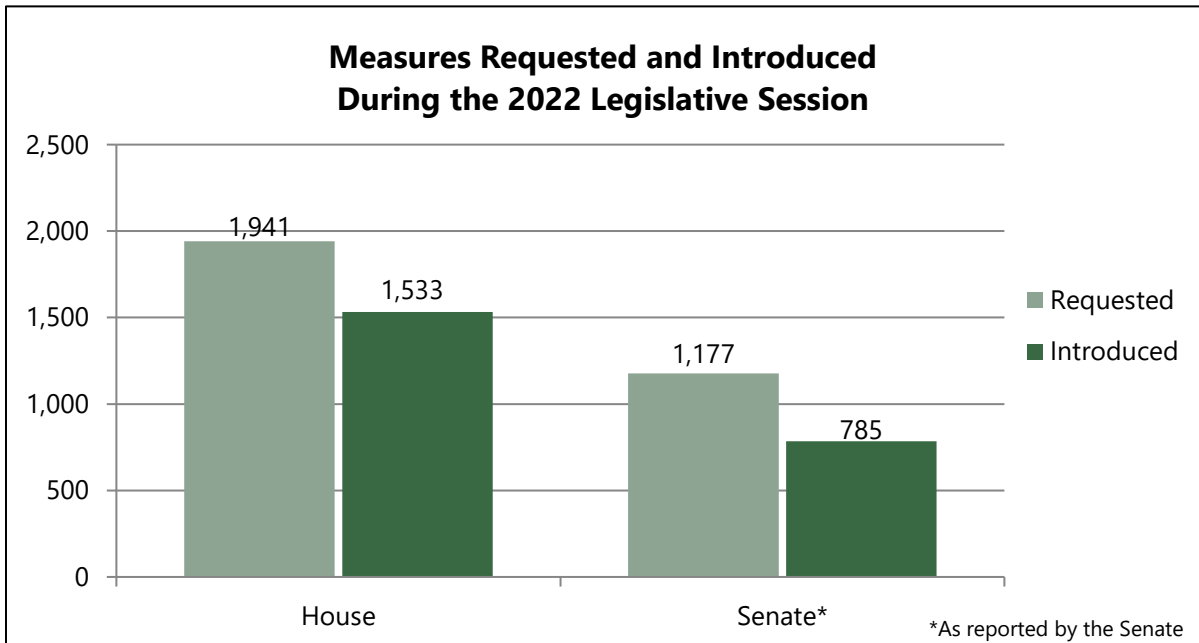


Appendix II

Legislative Production

	House Bills	House Joint Resolutions	Senate Bills	Senate Joint Resolutions
Requested	1,903	38	1,149*	28*
Introduced	1,509	24	775	10
Sent to Opposite Chamber	393	8	335	10
Conference Granted	33	0	34	1
Sent to Governor	213	0	220	1
Approved by Governor	194	0	207	1
Filed with Secretary of State	4	0	2	0
Vetoed	12	0	9	0
Line Item Veto	0	0	2	0
Veto Override	4	0	2	0
Law without Signature	7	0	3	0

*As reported by the Senate





Appendix III

Summary of Measures Enacted in the Second Extraordinary Session of the 58th Legislature

Members returned to finalize the Second Extraordinary Session of the 58th Oklahoma Legislature on September 28th, 2022. The Legislators took up measures to allocate \$1.87 billion received through the American Rescue Plan Act (ARPA) as recommended by the Joint Committee on Pandemic Relief Fund. Lawmakers also appropriated \$250 million that was set aside in the Progressing Rural Economic Prosperity Fund during the regular session. The projects funded through this process address immediate needs of Oklahoma communities by improving critical water infrastructure, broadband capabilities, workforce development and rural development.

HB 1006XX appropriates \$20 million to the Emergency Drought Relief Fund from any monies not otherwise appropriated from the General Revenue Fund.

HB 1007XX appropriates \$108.5 million from the Statewide Recovery Fund to the University Hospital Authority for the following purposes:

- \$39.4 million to construct and equip facilities designed to expand capacity of behavioral health care for children of Oklahoma;
- \$44 million for an electronic health record system and related infrastructure;
- \$20 million to provide medical treatments for cancer patients who have been disproportionately impacted by the pandemic; and

- \$5.1 million to improve dental health through mobile dental units.

HB 1010XX appropriates \$6.2 million from the Statewide Recovery Fund to the Administrative Office of the Courts. The purpose of the appropriation is to fund projects as recommended by the Joint Committee on Pandemic Relief Funding.

HB 1011XX makes two appropriations to the Oklahoma Broadband Office. The first is for \$382.1 million from the Statewide Recovery Fund and the second is for \$167.6 million from the Coronavirus Capital Projects Fund. The purpose of both appropriations is to fund projects as recommended by the Joint Committee on Pandemic Relief Funding.

HB 1012XX appropriates \$110 million dollars from the Statewide Recovery Fund to the Oklahoma State University Medical Authority for the following programs:

- \$50 million to construct facilities, strategies and treatments to address the obesity epidemic. The appropriation also aids in helping other public health and nutrition awareness challenges in rural areas;
- \$50 million to construct a biotech drug development laboratory to develop new medicines and therapeutics addressing addiction management; and

- \$10 million to fund outreach and training expenses toward a rural advanced care pilot program.

HB 1013XX appropriates \$125 million from the Statewide Recovery Fund to the Oklahoma Department of Mental Health and Substance Abuses Services for the following purposes:

- \$87 million to construct a replacement facility for the Griffin Memorial Hospital to be confined within a thirty-mile radius of the State Capitol Building; and
- \$38 million to increase capacity of the Tulsa Center for Behavioral Health.

HB 1014XX appropriates \$2.5 million from the Statewide Recovery Fund to the Department of Public Safety. The purpose of the appropriation is to fund projects as recommended by the Joint Committee on Pandemic Relief Funding.

HB 1016XX makes appropriations to the Oklahoma Aeronautics Commission and the Oklahoma Air Service Development Grant Program Revolving Fund totaling \$100.3 million from the Progressing Rural Economic Prosperity Fund. The purpose of the appropriation is to fund projects as recommended by the Joint Committee on Pandemic Relief Funding.

HB 1017XX makes two appropriations to the Oklahoma Space Industry Development Authority. The first appropriation is \$4.2 million from the Statewide Recovery Fund and

the second appropriation is \$22.5 million from the Progressing Rural Economic Prosperity Fund. The purpose of both appropriations is to fund projects as recommended by the Joint Committee on Pandemic Relief Funding. HB 1017XX also makes an appropriation of \$5 million from the Progressing Rural Economic Prosperity Fund to the Oklahoma Space Industry Development Authority and the Oklahoma Aeronautics Commission.

HB 1018XX appropriates \$68.7 million from the Statewide Recovery Fund as follows:

- Fab Lab Tulsa, \$250,000;
- OKC Innovation District, \$8.4 million;
- Lawton Fires Innovation Science and Technology Accelerator, \$20 million;
- Manufacturing Skills Academy, \$8.1 million;
- Oklahoma Aviation Academy, \$20 million; and
- Oklahoma Cyber Innovation Institute, \$12 million.

HB 1019XX appropriates \$75.9 million to the Oklahoma Department of Commerce from the Progressing Rural Economic Prosperity Fund. The purpose of the appropriations is to fund projects as recommended by the Joint Committee on Pandemic Relief Funding.

HB 1021XX creates three revolving funds, the Pandemic Relief Primary Source Revolving Fund, the Pandemic Relief Secondary Source Revolving Fund, and the Work Force Coordination Revolving Fund. The Oklahoma Department of Commerce will have use of the all three revolving funds.

HB 1022XX makes three appropriations to the revolving funds created in HB 1021XX. These appropriations include:

- \$60 million to the Pandemic Relief Primary Source Revolving Fund from the Statewide Recovery Fund;

- \$46.2 million to the Pandemic Relief Secondary Source Revolving Fund from the Progressing Rural Economic Prosperity Fund; and
- \$5 million to the Workforce Coordination Revolving Fund from the Statewide Recovery Fund.

The purpose of the appropriations is to fund projects as recommended by the Joint Committee on Pandemic Relief Funding.

HB 1025XX creates the same set of reporting and management requirements for agencies who have already been appropriated funds from the Statewide Recovery Fund as those agencies who have appropriation bills currently before the Legislature. This measure does not appropriate funds, and therefore there will be no fiscal impact to the state.

SB 1XX provides that the Legislature of the State of Oklahoma is the primary recipient of ARPA funds and may not be considered a subrecipient of such funds. The measure designates the Office of Management and Enterprise Services (OMES) as the primary entity that is responsible for any claw back penalties, legal or other recoupment costs of the state. The measure authorizes OMES to manage ARPA funds by requiring all receiving entities, known as subrecipients, to sign a grant agreement. A subrecipient is required by the measure to have a fully executed grant agreement in place within 60 days of the enactment of any legislation appropriating ARPA funds to the subrecipient. OMES is required to publish a weekly report detailing the status of such grants and provide said report to the Chairs of the Joint Committee on Pandemic Relief Funding. Additionally, OMES is also required to provide technical support to agencies seeking to comply with state law and federal guidelines as they relate to ARPA funding. The report must include, but not be limited to, any impediments to distribution and corrective action if necessary.

SB 3XX appropriates monies to the University Hospitals Authority as follows:

- \$39.4 million to budget and expend for the construction and equipping of facilities designed to expand the capacity of behavioral health care for the children of this state;
- \$44 million to establish an electronic health record system and related infrastructure;
- \$20 million to provide medical treatment for cancer patients; and
- \$5.1 million to improve dental health through mobile dental units.

No monies must be budgeted or expended by the Authority for the benefit of any facility owned by the University Hospitals Authority or University Hospitals Trust performing “gender reassignment medical treatment.”

The measure also creates the Statewide Recovery Special Account for the University Hospitals Authority for each appropriation action specified in the measure. The Authority may retain up to two percent of the funds appropriated to reimburse costs incurred by or on behalf of the Authority. The Authority is also required by the measure to submit a quarterly report to the Chairs of the Joint Committee on Pandemic Relief Funding. The Joint Committee on Pandemic Relief Funding may require the Authority to provide status updates on the expenditures of the appropriated monies six months after the effective date.

SB 13XX appropriates \$341.6 million to the Oklahoma Water Resources Board from the Statewide Recovery Fund for various water project grant programs. There is no fiscal impact to the state.

SB 15XX appropriates \$42 million to the Oklahoma Military Department from the Statewide Recovery Fund. The purpose of the appropriation is to fund projects as recommended by

the Joint Committee on Pandemic Relief Funding.

SB 16XX makes three appropriations including: \$11.2 million to the Oklahoma Department of Career and Technology Education, \$5 million for Broadband Workforce Training and \$6.2 million for Trucking Workforce Training.

SB 17XX appropriates \$600,000 to the Health Care Workforce Commission from the Statewide Recovery Fund to be used for the purpose of recruiting, educating and stabilizing Oklahoma's health care workforce. Of the \$600,000 appropriated, Kiamichi Technology Center will receive \$300,000 and East Central University will receive \$300,000. The Health Care Workforce Commission must retain no more than two percent of the funds appropriated in Section 1 of the measure for costs incurred by the agency or costs incurred on the agency's behalf.

SB 19XX appropriates \$30.6 million from the Statewide Recovery Fund to the Office of Juvenile Affairs to address education disparities through academic, social and emotional services to the youth in Oklahoma.

SB 20XX appropriates \$120.2 million dollars from the Statewide Recovery Fund to the Oklahoma State Department of Health for the following programs:

- \$26 million to for the implementation of electric health record system and related infrastructure;

- \$10 million to increase hearing services for disproportionately impacted populations;
- \$25 million to a program providing medical facilities for disproportionately impacted populations;
- \$8.9 million to promote healthy childhood environments through early learning; and
- \$300,000 to establish a grant program with Redland Community College to recruit, educate and stabilize Oklahoma's health care workforce.

SB 21XX appropriates \$6 million from the Statewide Recovery Fund to the J.D. McCarty Center to provide medical care for children with developmental disabilities who were discriminately impacted by the pandemic.

Vetoos:

HB 1009XX would have appropriated \$8.1 million from the Statewide Recovery Fund to the Oklahoma Educational Television Authority. The purpose of the appropriation was to fund projects as recommended by the Joint Committee on Pandemic Relief Funding.

Governor's Veto Message:

"Spending over \$8 million of taxpayer dollars on upgrades without a clear, long-term strategic plan for these funds is not responsible spending."

HB 1015XX would have appropriated \$6 million from the Statewide Recovery Fund to the Office of Emergency

Management and Homeland Security. The purpose of the appropriation was to fund nine regionally located emergency operations centers through the state as recommended by the Joint Committee on Pandemic Relief Funding.

Governor's Veto Message:

"OEM does a great job coordinating with local communities when emergencies and natural disasters occur. While I continue to support the great work OEM does in responding to natural disasters, the strategic, long-term value of this appropriation has not been clearly established."

SB 18XX would have appropriated \$10 million to the Oklahoma Arts Council to address the negative economic impacts of the pandemic by providing assistance to impacted nonprofit organizations.

Governor's Veto Message:

"Enrolled Senate Bill 18xx would appropriate to the Oklahoma Arts Council \$10,000,000.

"I support the Oklahoma Arts Council, including its management and care of the State Art Collection, but the long-term strategic value of this appropriation has not been clearly established. ...These one-time funds present a unique opportunity to have a generational impact and leave a legacy for generations. It is preferable that these funds be used for infrastructure and water projects and long-term strategic investments that will change the trajectory of our state."●



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Public health; creating Ava's Law; requiring certain persons to provide certain information to pregnant individuals; requiring State Department of Health to compile and publish certain educational resources. Effective date. **SB 1462**

Public health; requiring list of disorders on state newborn screening program to match federal Recommended Uniform Screening Panel to extent practicable. **SB 1464**

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Medical marijuana; authorizing the Oklahoma Medical Marijuana Authority to revoke licenses under certain circumstances; allowing Oklahoma Medical Marijuana Authority to contract with third-party vendor to provide certain services. **SB 1704**

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