



Oklahoma State Senate: Session Highlights

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Overview

The Oklahoma State Senate convened the 2nd Session of the 57th Legislature on February 3, 2020, to tackle a host of issues ranging from continuing statutory refinement of SQ 788, providing a cost-of-living-adjustment (COLA) to retirees, adjusting the state budget to match the February State Board of Equalization Revenue Certification, examining teacher

salaries, and addressing unresolved measures from the 1st Session. As severe acute respiratory syndrome coronavirus 2 virus, better known as COVID-19, began to alarmingly spread in Oklahoma and the United States, legislative work came to a standstill as the Governor and Legislature grappled with how to slow its spread and minimize economic damage.

The first case of COVID-19 in the state was reported on March 6. [Within 11 days](#), the Legislature adjourned to the call of the chair as the virus continued to spread. For the first time in living memory, legislative work ground to a complete halt as leaders met to consider a response to the virus. On [April 6](#), the Legislature convened to either approve or disapprove the Governor's state of emergency declaration. [HCR 1001x](#) approved the Governor's declaration and, considering the continuing spread of the virus, the Legislature adjourned to the call of the chair to consider methods to conduct legislative business without endangering its members and staff or spreading the virus.

Following the April session, the Legislature and Governor understood that the February State Board of Equalization Estimate would not reflect the changing reality on the ground. The economic condition of the state along with state revenues dramatically declined as the virus spread. As a result, the State Board of Equalization held an [extraordinary meeting](#) to declare a revenue failure.

The Legislature reconvened on May 4th after legislative leaders determined a reliable and

safe method for members to vote remotely for the first time in the Legislature's history. The dearth of time available to the Senate, however, required the Legislature to prioritize the budget, issues directly relating to the virus, and pressing policy issues that could not wait until next year.

Additionally, the Senate and House moved to pass legislation relating to elections in response to the pandemic. The Legislature also moved to provide liability protection to hospitals and manufacturers of personal protection equipment. Finally, the Senate and House provided retirees with a COLA increase, modified various provisions relating to charter school transparency, and required insurers to broaden coverage to include mental and substance abuse services.

Appropriations Overview

[SB 1922](#) (Thompson/Wallace), otherwise known as the General Appropriations Bill, became law, the Governor's objections notwithstanding. The measure mitigated potential cuts to state agencies despite the worsening fiscal environment. By utilizing various one-time cash infusions from various funds, including the State Transportation Fund and Education Reform Revolving Fund, the Legislature managed to avoid potential cuts. The GA Bill reduced total appropriations from \$7,916,114,934 to \$7,703,568,396, or a 2.68% cut.

The debate surrounding the General Appropriations Bill gained greater urgency with the onset of the virus. Revenue collections continued to decline as oil prices fell, businesses shuttered, and consumer spending contracted. Complicating matters further, the [Governor refused to convene the State Board of Equalization](#) to certify the impending revenue failure due to a dispute between him and the Legislature regarding

his State Digital Transformation Fund. Ultimately, the Governor convened the State Board after the Legislature [filed a lawsuit against the Board](#) to force a meeting.

With [revenue certified](#) to fail in FY2020 as well as a potential decline in FY2021, the Legislature debated the merits of utilizing various one-time funds to bolster the budget. The Senate [ultimately voted in favor](#) of the measure on May 07.

Appropriations Measures

[SB 1262](#) (Thompson/Wallace) directs the Oklahoma Capitol Improvement Authority to fund an escrow account with unspent bond proceeds and investment earnings in order to defease a bond that was issued to provide office space for the Oklahoma Tourism and Recreation Department. With the Department indicating that it no longer intended to utilize the original bond proceeds as authorized in 2007 for additional office space, the Department and Legislature sought to defease the bonds to avoid future rental payments. The measure also creates the Obligation Defeasance Revolving Fund to be funded by appropriations required to fully defease said bond.

[SB 1933](#) (Thompson/Wallace) authorizes the Oklahoma Capitol Improvement Authority to acquire real property and invest capital into improvements to construct, repair, and rehabilitate the Greer Center Facility located on the grounds of the Northern Oklahoma Resource Center of Enid. The Authority may issue negotiable obligations in the amount sufficient to generate net proceeds of \$16 million.

[SB 1938](#) (Thompson/Wallace) authorizes the Oklahoma Capitol Improvement Authority to acquire real property and invest

capital into improvements to construct, repair, and rehabilitate high-hazard dam structures. The Authority may issue negotiable obligations in the amount sufficient to generate net proceeds of \$17.5 million. Interest shall not exceed 1 year from the date of issuance. By addressing these needs now, Oklahoma will be protecting approximately \$2 billion worth of infrastructure that prevents approximately \$90 million of damage every year or \$280 million of damage during flood years. Additionally, 90% of Oklahomans live within 20 miles of a flood control dam. 61 counties have flood control dams. Additionally, if the Legislature failed to authorize such obligations, the federal match in state funds for such projects would have expired.

SB 1941 (Thompson/Wallace) authorizes the Oklahoma Capitol Improvement Authority to acquire real property and invest capital into improvements to construct, repair, and rehabilitate state parks. The Authority may issue negotiable obligations in the amount sufficient to generate net proceeds of \$48.6 million.

SJR 27 (David/Wallace) refers to the people a constitutional amendment to modify the amount of payments made to the Tobacco Settlement Endowment Trust Fund. For the fiscal year ending June 30, 2021 and each year thereafter, the minimum percentage of payments made to the Fund is decreased from 75% of received tobacco settlement funds to 25%. Additionally, the proposal directs the Legislature to appropriate and expend monies from the special fund to draw down federal matching funds for the Medicaid program. House amendments to the SJR restores stricken language allowing the Legislature to direct funding to the Attorney General's Office. In conjunction with **SB 1529**, the two measures modify the

apportionment of funds received from tobacco settlement lawsuits by reducing the percentage of funds apportioned to the Attorney General's Evidence Fund from 25% of the funds to 8.33% of the funds. Remaining funds (91.67%) shall be apportioned to the Tobacco Settlement Fund.

HB 2744 (Thompson/Wallace) authorizes the Department of Transportation to issue obligations through the Oklahoma Capitol Improvement Authority in an amount necessary to generate net proceeds of \$200,000,000. Proceeds will be used to address projects included in the 8-year construction plan.

HB 2749 (Wallace/Thompson) became law, the Governor's objections notwithstanding. The measure caps the state matching funds for endowment accounts within the endowment chairs program at \$671,200,000.

HB 2750 (Thompson/Wallace) became law, the Governor's objections notwithstanding. The measure authorizes the issuance of bonds in the amount of \$314,400,000 for the purpose of funding the state match portion of the endowed chair program.

HB 2753 (Thompson/Echols) transfers the properties tied to Quartz Mountain to the Oklahoma Tourism and Recreation Department from the board of trustees for the Quartz Mountain Arts and Conference Center and Nature Park.

HB 4025 (Treat/McCall) requires every state agency to regularly transmit to the Legislative Office of Fiscal Transparency raw datasets as requested by the Office. Data shall be submitted in a manner determined by the Office.

COVID-19 Response Measures

SB 187 (Montgomery/Taylor) creates the Municipal Government COVID-19 Emergency Budget Act. The measure authorizes municipal governments to adopt a temporary budget for the 2021 fiscal year if the municipal governing body determines adopting a yearly budget is not in the best interest of the municipal government due to the effects of the COVID-19 pandemic on revenue projections. Temporary budgets must not exceed 6 months in duration as well as comply with the provisions of the Oklahoma Open Meeting Act and deadlines within the Municipal Budget Act. Adoption of the temporary budget under the provisions of the Municipal Government COVID-19 Emergency Budget Act shall be deemed sufficient for all requirements and obligations of municipal governments concerning the adoption of a municipal budget.

SB 210 (Treat/McCall) modifies certification procedures as it relates to absentee ballot certification and requests. The Legislature, understanding that voters may turn to absentee ballots to exercise their right to vote even during a pandemic, sought to clarify and ease the application and certification process. The measure clarifies that any notarial act, oath, or affidavit as it relates to voting requirements are not permitted to be satisfied by the requirement to provide a written statement under penalty of perjury. The measure provides alternative voting procedures for an election conducted during the COVID-19 pandemic as it relates to absentee ballots. The measure authorizes voters to request an absentee ballot and attach a photocopy of a form of identification to the affidavit, in lieu of having the affidavit notarized and his or her signature witnessed by 2 people. The measure also authorizes the delivery of

absentee ballots to designated officials of care homes in the event an absentee voting board is prohibited from entering a nursing facility or veterans center due to restrictions related to the COVID-19 pandemic or another localized outbreak of a communicable disease. The measure also defines the criteria to qualify as “physically incapacitated” for purposes of requesting an absentee ballot to include COVID-19-related health issues.

SB 300 (Daniels/O’Donnell) creates the COVID-19 Public Health Emergency Limited Liability Act. As providers continue to respond to the pandemic, the Legislature sought to shield providers from unnecessary lawsuits that could potentially derail the response. The measure provides health care providers with immunity from civil liability for any loss or harm to a person with a suspected or confirmed diagnosis of COVID-19 caused by an act or omission by the facility or provider that occurs during the COVID-19 public health emergency, provided the act or omission was not the result of gross negligence or willful or wanton misconduct. The provisions of the measure shall remain in effect until October 31, 2020, or until such time as the Governor affirmatively concludes the emergency declarations.

SB 661 (Howard/McCall) sought to provide governing bodies with an alternative method to meet during the pandemic. The measure authorizes public bodies to hold meetings by teleconference or videoconference if each member of the public body is audible or visible to each other and the public. The measure requires virtual charter school boards to maintain a quorum for the duration of the meeting. The meeting notice and agenda must indicate whether or not the public body will include teleconference or videoconference. Any material shared

electronically must be provided to the public immediately. The provisions of the measure shall remain in effect until November 15, 2020, or until the Governor declares the state of emergency to be terminated.

SB 1928 (Thompson/Wallace) authorizes retail spirit licensees, restaurants, wineries, and grocery stores to sell curbside and deliver alcoholic beverages in sealed original containers to lawful consumers according to their license authority. Products sold in such a manner must be delivered by employees of the licensee. Licensee's authorized to sell alcoholic beverages in this manner are held responsible for the conduct of their employees. Small brewers and small farm wineries licensed by the Oklahoma ABE Commission may only sell curbside alcoholic beverages produced by such licensee in sealed original containers. After ABE authorized licensees to provide curbside and delivery services, the Commission determined that the practice was feasible in the long term as well. The Legislature ultimately agreed with the Commission and passed this measure into law in order to extend the practice indefinitely.

SB 1944 (Thompson/Wallace) requires the Director of OMES to publish daily reports of expenditures of funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act on the "Oklahoma Checkbook" website.

SB 1946 (Treat/McCall) establishes immunity from civil liability for persons or entities conducting business in the state from actions related to an injury from exposure or potential exposure to COVID-19 if the act or omission alleged to violate a duty of care of the person or agent was in compliance or consistent with federal or state regulations.

SB 1947 (Treat/McCall) creates the COVID-19 Product Protection Act. Production of PPE (personal protection equipment) and medical devices remains critical to Oklahoma's pandemic response. Unfortunately, production of such equipment was limited prior to the onset of the virus. SB 1947 provides space for companies seeking to fulfill the demand for such equipment to begin the sale and manufacture of PPE's and medical equipment in a relatively libel free environment. The measure defines a qualified product to include personal protection equipment, medical devices, or supplies used to treat COVID-19 including products that are used or modified for an unapproved use to treat COVID-19 or prevent the spread of COVID-19. Entities that utilize qualified products are exempted from any civil liability that may emerge out of an injury or death related to the use of such products. The provisions of the measure also apply to persons or entities that do not manufacture or design such products in the normal course of business. This immunity does not apply under certain circumstances. The provisions of the measure apply to any claim arising on or after the emergency declared by the Governor of Oklahoma related to COVID-19 by Executive Order 2020-07 on March 15, 2020.

HB 2740 (Pederson/Wallace) directs boards of county commissioners to postpone delinquent tax sales and related notices and publications for a period not to exceed 1 year upon the request of the county treasurer. The provisions of the measure only apply when the Governor declares a Catastrophic Health Emergency pursuant to the Catastrophic Health Emergency Powers Act.

[HB 3756](#) (Brooks/Miller) authorizes district courts to utilize videoconference technology in all stages of civil or criminal proceedings except in jury trials or trials before judges.

Agriculture

[HB 3963](#) (Murdock/Burns) defines “Oklahoma certified beef” as any bovine product bred, born, raised and slaughtered within the State of Oklahoma.

Business, Commerce, & Tourism

[HB 4018](#) (Leewright/McCall) became law, the Governor’s objections notwithstanding. The measure creates the Rural Broadband Expansion Council. The Council is directed to conduct a study of rural broadband access in Oklahoma. The parameters of the study are outlined in the measure. The council is further directed to use the geographic areas it establishes to develop policy recommendations to establish or improve rural broadband access. Council meetings are subject to the Open Meeting and Open Records Acts. [SB 1002](#) (Leewright/McCall) increases the number of members on the Rural Broadband Expansion Council from 12 to 14. Rural broadband access took on increased importance considering the recent pandemic. Access to telework and telecommunication remains integral to the economy of the state as businesses, schools, and government seek to carry on while maintaining the safety of workers and students. The Legislature thought it necessary to establish such a Council to maintain transparency, provide policy goals, and increase Legislative oversight of such an entity.

Education

[SB 1125](#) (Pugh/McCall) modifies the qualifications for a teacher to receive an out-

of-state certificate. The measure directs the State Board of Education to issue a teaching certificate to a person who holds a valid out-of-state teaching certificate, with no other requirements except a criminal history record check. Previous law required such out-of-state teachers seeking to obtain the certificate to meet any requirements established by the Board. Removing this language could possibly result in a more streamlined recruitment process for out-of-state teachers to mitigate the state’s teacher shortage.

[HB 2905](#) (Pemberton/Dills) creates the “Virtual Charter School Reform and Transparency Act of 2020”. The measure requires public school students desiring to enroll in a virtual charter school to be considered a transfer student from their resident district. The measure outlines the transfer process and directs the resident school district to transfer a student’s records to the virtual school within 3 days of the transfer. Students may only transfer to one statewide virtual charter school per school year. A second transfer requires the consent of both the resident school district and the receiving virtual charter school. A statewide virtual charter school student who has utilized his or her allowable transfer is not permitted to transfer to another district or statewide virtual charter school without notifying his or her resident district and initiating a new transfer. A student may withdraw from a virtual charter school within 15 days of enrollment and avoid academic penalty. The virtual school must transmit the student’s records to the new school district within 3 days if a student withdraws or cancels his or her transfer to the virtual school. HB 2905 also modifies virtual school attendance requirements. The first day a student completes an instructional activity shall be considered the student’s first date of attendance and membership.

The measure also increases the amount of instructional activities a student must complete per quarter in order to be considered in attendance for the quarter. A student who does not complete an instructional activity for 15 days shall be withdrawn for truancy. Any student who is reported for truancy twice in the same school year shall be withdrawn and prohibited from enrolling in the same virtual school for the remainder of the school year. If a virtual school withdraws a student who is reported for truancy twice, the virtual charter school shall immediately notify the student's resident district in writing. Any virtual charter school student that has failed to complete an instructional activity within 15 days without excuse shall be taken off the attendance roll on the 16th day and shall not be considered in the virtual charter school's average daily membership calculation until the pupil is placed on the roll. HB 2905 also directs each statewide virtual charter school to provide student orientation, and requires all students enrolled in the school to complete the student orientation prior to completing other instructional activities.

HB 3400 (Stanislawski/Baker) requires public high schools to offer at least 4 advanced placement courses available to students beginning with the 2024- 2025 school year. Local boards of education in each district are responsible for ensuring that all high school students have access to advanced placement courses. The Statewide Virtual Charter School Board must maintain an online learning platform to provide online learning opportunities for Oklahoma students that are aligned with subject matter standards. The State Department of Education is directed to provide information to all local boards of education, to be distributed to students and parents, on available opportunities and the advanced placement enrollment process.

Elections

SB 1779 (Treat/McCall) prohibits absentee ballot harvesting during any election conducted by a county election board, the State Election Board, or any political subdivision of the state and creates a felony for any person convicted of absentee ballot harvesting. Absentee ballot harvesting is allowed under certain circumstances as outlined in the measure. Such instances include assistants or agents acting on behalf of a physically incapacitated or emergency incapacitated voter, absentee voting board members assisting a voter confined to a nursing home or veterans center, employees of the Federal Voting Assistance Program, the United States Department of Defense or the Oklahoma National Guard who assists a uniformed-services voter, spouses or relatives forwarding an absentee ballot to an absent voter, voters' spouses returning a ballot with the voters' consent, or official actions of election officials as provided for by law. The measure authorizes the Secretary of the State Election Board to use state and federal funds to reimburse county election boards for election-related expenses during calendar year 2020, as well as for items related to the COVID-19 pandemic that are deemed necessary. The measure provides that state and political subdivision employees may be granted up to 3 days of paid administrative leave in 2020 if they serve as a precinct official or other election worker authorized by law. The measure states that any state agency, board or commission that owns or leases a facility located in or near a precinct without a suitable polling place available, shall make space within the facility available for use as a polling place upon the written request of the secretary of the county election board. In the event of a shortage of suitable polling places or a shortage of available precinct officials, a secretary of the county election

board is authorized to combine multiple precincts into a single polling place after providing notice to the Secretary. Affected voters shall be mailed written notice by the secretary of the county election board. The date to request an absentee ballot is shifted from the preceding Wednesday of an election to the preceding Tuesday. The measure also requires the Secretary to develop protocols related to the COVID-19 public health emergency.

[HB 2871](#) (Dossett/Perryman) authorizes registered voters signing an initiative or referendum petition who are certified by the Office of the Attorney General as participants in the Address Confidentiality Program to use the address given to them by the Office of the Attorney General to sign an initiative or referendum petition.

[HB 3826](#) (Treat/McCall) requires the Secretary of State to verify three or more data points prior to approving an individual signature on a petition. The data points may include the voter's first name, last name, zip code, house number, and numerical month and day of birth.

[HB 3827](#) (Treat/McCall) modifies the term "state question" as it is used in the Ethics Commission Rules to mean an initiative or referendum petition that has been assigned a state question number by the Secretary of State.

Energy

[SB 1269](#) (Rader/Sims) directs the Oklahoma Water Resources Board to create a state flood plan to serve as a guide for state and local flood control policy. The Board must evaluate the condition of flood-control infrastructure, inventory ongoing and proposed flood control and mitigation projects, and analyze development in special

flood hazard areas. The measure also creates the State Flood Resiliency Revolving Fund. Crucially, this measure specifies what should be in the Oklahoma Floodplain Management Act and creates a fund for federal money coming in for flood management.

[SB 1875](#) (Rader/O'Donnell) creates the Oil and Gas Water and Waste Recycling and Reuse Act. With this measure, oil and gas producers are provided with the necessary regulatory structure to recycle and reuse recycled water, rather than merely pump the underground. The measure declares that the operator and nonoperators of the well are the sole owners of the produced water and waste as it relates to oil and gas production. Prior to its extraction, subterranean water is the property of the surface owner subject to the right of the mineral owner or the oil and gas lessee of the mineral owner to extract the water as it relates to oil and gas exploration. Nothing in the measure shall be construed to prevent the owner of the surface estate from being considered the brine owner or limit the ability of the owner or owners of the surface estate to enter into any legally binding contract with persons for the payment of money or other valuable consideration for the extraction of subterranean water. Any water processed by mechanical or chemical processes for the extraction of constituent elements for commercial purposes shall be considered brine. Owners of the produced water shall be entitled to proceeds for any of the uses of the produced water and waste. Owners are also responsible for storing, transporting, and handling produced water. If the owners transfer the water to a person or entity to process the water, such water will be the property of the transferee until such time as the water is disposed of or transferred to another person. Current owners of the water are not liable in tort for consequences of

subsequent use of recycled water or treated constituents if they follow procedures outlined in the measure.

General Government

SB 1403 (Hall/Boles) directs the State Auditor to perform an operational audit of each circuit engineering district upon completion of each fiscal year.

HB 3819 (McCall/Treat) became law, the Governor's objections notwithstanding. The measure authorizes members of the Legislature to review contracts and any other form of agreement made by a state agency. No state agency may prohibit any person or entity from communicating with the Legislature.

Health & Human Services

SB 801 (Rosino/McEntire) modifies the authority of "Certified Registered Nurse Anesthetists" to administer anesthesia. The measure specifies that the nurse will administer the drug in collaboration with, instead of under the supervision of a physician. Additionally, the measure removes the requirement for a nurse to administer the drug under conditions in which timely, onsite consultation with a physician is possible. SB 801 defines "collaboration" as it pertains to a Certified Registered Nurse Anesthetist administering anesthesia to a patient. Collaboration involves two or more health care providers working together, each contributing the provider's respective area of expertise to provide much more comprehensive care than one alone can offer. Additionally, **SB 1915** (David/Pfeiffer) amends various terms in the Physician Assistant Act. Practice of medicine is amended to provide for physician delegation instead of supervision and authorizes physician assistants to

provide health care services, provided a practice agreement with delegating physician or physicians is in place; the measure allows a physician assistant to practice agreements with multiple physicians. The agreement shall involve the joint formulation, discussion and agreement on the methods of supervision and collaboration for diagnosis, consultation and treatment of medical conditions. All practice agreements and any amendments shall be filed with the State Board of Medical Licensure and Supervision within 10 business days of being executed. The measure also requires the State Board of Medical Licensure and Supervision to collect and publish information outlined in the measure. The measure specifies that such a delegation shall include an agreement between a medical doctor or osteopathic physician performing the procedure or directly involved with the treatment of a patient and the physician assistant working jointly toward a common goal of providing services for the same patient. Patient care settings may also include hospice care. The measure directs a physician assistant to collaborate with an appropriate member of the healthcare team based on certain conditions. The measure removes the current joint temporary licensure for a physician assistant and allows the physician assistant to apply without a physician, and the measure eliminates the application fee. The measure designates physician assistants as primary care providers. Payment for such services by a health insurance plan shall be made when ordered or performed by the physician assistant if the same service would have been provided by a physician. The measure requires payments to be made based on service, not the qualifications of the health professional. Licensed physician assistants are also authorized to render care when responding to a need for medical care created by an emergency or a state or local

disaster, and are provided with immunity to civil liability when responding to such emergencies under certain conditions. These measures were the product of several years of discussion between related stakeholders as it pertains to expanding the scope of practice for affected professions. By broadening the scope of practice for these professions, it is hoped that reducing these requirements will increase access to health care, particularly in rural areas.

SB 1423 (McCortney/Wallace) raises the minimum age for using tobacco products from 18 to 21 years old. This legislation ensures Oklahoma’s statutes now align with the federal Tobacco-Free Youth Act, which was signed into law last December. That law prohibited the sale of cigarettes, e-cigarettes, cigars and other tobacco products to anyone under the age of 21.

SB 1718 (Montgomery/Echols) replaces language regarding “severe mental illness” coverage with coverage for “mental health and substance abuse disorder” and modifies the definition of health plan providing such coverage. Broadly speaking, the measure aims to tie Oklahoma law related to coverage of mental illness and substance abuse disorders to the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008. Benefits provided in connection to a mental illness and substance use disorder must be provided in connection to a condition as defined of that condition included in generally recognized independent standards of current medical practice. The measure prohibits health benefit plans from imposing a nonquantitative treatment limitation with respect to mental health conditions and substance use disorders in any classification of benefits unless such a limitation is comparable to medical and surgical benefits in the same classification. The measure also

requires health benefit plans to meet the standards set in the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008. Each insurer offering health benefit plans providing mental health or substance use disorder benefits must submit an annual report to the Insurance Commissioner containing certain information, specified in the measure, on their coverage of such benefits no later than April 1 of each year and the Commissioner shall make these reports public. The Commissioner is directed to implement and enforce any applicable provisions of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and to make reasonable efforts to obtain any information missing from the reports from insurers.

SB 1739 (Leewright/Lawson) modifies the term “representative of a resident” to mean any court-appointed guardian, the parent of a minor, a relative, or other person designated in writing by the resident. A representative cannot be the owner of a facility subject to the provisions of the Nursing Home Care Act, the Continuum of Care and Assisted Living Act, the Residential Care Act, or the Group Homes for the Developmentally Disabled or Physically Handicapped Persons Act. The measure also requires assisted living centers and continuum of care facilities to provide the same notifications as nursing facilities as it relates to electronic monitoring.

SB 1823 (Stanley/Roe) directs the State Commissioner of Health to promulgate rules providing for the licensure of midwives and authorizes the Commissioner to impose disciplinary action. The measure creates an Advisory Committee on Midwifery, which shall consist of 7 members appointed by the Commissioner. Members shall serve 6-year staggered terms and shall meet at least

semiannually. The Committee is directed to advise the Commissioner on matters pertaining to the midwife profession and assist the Commissioner on developing professional standards. The provisions of the measure shall not apply to student midwives and Certified Nurse-Midwives. The measure establishes a \$1,000.00 fee to apply for a license and requires applicants to submit certain documents. The measure caps fines and fees at \$5,000.00. Midwives are prohibited from utilizing certain medical equipment or administering certain medications. Licenses created in the measure shall be valid for 3 years. Midwives must disclose information outlined in the measure to prospective clients and prohibits certain advertising practices. Persons holding themselves out to be midwives must obtain a license no later than July 1, 2021. The measure provides immunity from civil liability to physicians, Certified Nurse-Midwives, and Registered Nurses as it relates to providing advice to a midwife who refuses to follow certain procedures. The measure directs the State Department of Health to maintain a roster of licensed midwives. The measure may be cited as Shepherd's Law.

Judiciary

SB 1081 (Dahm/Steagall) creates the Anti-Red Flag Act. The measure preempts any legislation propagated by any municipality or other political subdivision of this state related to extreme risk protection orders issued against or upon a citizen of Oklahoma. As defined by the measure, an extreme risk protection order is an executive order, written order or warrant issued by a federal court or signed by a magistrate or comparable officer of the court, for which the primary purpose is to reduce the risk of firearm-related death or injury. At the time this measure was crafted, federal legislation

was considered to implement such orders across the United States. The measure prohibits entities from issuing a protection order that infringes upon the Constitutional right of any Oklahoma citizen to keep and bear arms or the right to free speech. The measure also prohibits state agencies from accepting federal grants to implement any federal statute, rule or executive order, federal or state judicial order or judicial findings that would have the effect of forcing an extreme risk protection order against or upon a citizen of Oklahoma. Any officer found to have enforced an extreme protection order against a citizen of Oklahoma shall be, upon conviction, guilty of a felony.

SB 1728 (Bullard/Gann) creates the Unborn Person Wrongful Death Act. The measure modifies certain provisions relating to awarding damages resulting from wrongful deaths. The measure authorizes next of kin, which includes parents and grandparents, of an unborn child that was aborted to recover damages relating to mental pain and anguish and pecuniary loss. Liability for the death of an unborn child shall apply solely to the physician that performed the abortion. The measure outlines under which circumstances the provisions of the measure apply. The measure also states that if some or all of the provisions of the measure are permanently or temporarily restrained by a court order, the remaining provisions shall be enforced.

Public Safety

SB 1290 (Weaver/Roe) creates the Medical Care Provider Protection Act. The measure modifies the term "emergency medical care provider" by eliminating the descriptor of emergency and expands the term to include laboratory technicians, radiologic technologists, physical therapists, physician assistants, chaplains, volunteers,

pharmacists, nursing students and medical students. SB 1290 also increases the punishments associated with assaulting a medical care provider by creating a mandatory minimum term of imprisonment of 2 years and increasing the maximum sentence to 5 years of imprisonment. Hospitals, health clinics and ambulatory services are required to display a sign stating that assaulting a provider is a serious crime as well as report every assault to the State Department of Health. Expanding the definition of care providers allows newly included professional staff to, among other things, press charges against belligerent patients that disrupt the orderly conduct of hospital and medical settings, frighten other patients, and mobilize law enforcement resources against those who threaten such personnel. Previous law only allowed ED workers and EMS personnel to utilize such resources.

SB 1462 (David/Echols) makes it a felony for individuals attempting to gain financial advantage or gain anything of value as a result of the nonconsensual dissemination of private sexual images. The newly created felony shall be punishable by up to 4 years imprisonment and up to 10 years imprisonment for second and subsequent convictions. A second conviction will require the offender to register as a sex offender. The state shall not have the discretion to file a misdemeanor charge on any individual who commits the newly created felony. The provisions of the Sex Offenders Registration Act do not apply to any individual who receives a second or subsequent conviction, but shall not apply to the individual while incarcerated in a medium or maximum security prison. Prior to the passage of this measure, the state possessed no mechanism to file charges on these offenders.

HB 2777 (Ford/Paxton) creates the Porch Piracy Act of 2020. The measure establishes a misdemeanor for a first and second offense and a felony for three or more within a 60-day period for any person that holds, conceals, destroys-or takes mail from the mailbox or premises of another person or from a delivery vehicle at any point throughout the delivery route without the effective consent of the addressee and with the intent to deprive the addressee of the mail. For the first offense, a person may be subject to a term of imprisonment not exceeding 1 year and/or a maximum fine of \$500.00. A person convicted of a third or subsequent offense within a sixty-day period may be subject to a term of imprisonment not exceeding 2 years and/or a maximum fine of \$5,000.00.

HB 3251 (Echols/David) adds domestic abuse by strangulation, domestic assault with a dangerous weapon, domestic assault and battery with a dangerous weapon, and domestic assault and battery with a deadly weapon to the violent crimes list. The Legislature had considered similar measures in the past for some time prior to the passage of this measure. The possible passage of SQ805, which caps enhanced penalties for nonviolent offenders, clarified the need to classify domestic violence as a violent crime, as defined in Oklahoma's Criminal Code.

Retirement & Insurance

HB 2272 (J.West/Rosino) designates any person who contributes to the Oklahoma Public Employees Retirement System as a deputy sheriff or county jailer who was hired after November 1, 2020, as hazardous duty members. Hazardous duty members receive increased retirement and pension benefits. Benefits are calculated using a 2.5 percent per year multiplier for the first 20

years of service and 2 percent per year multiplier for service in excess of 20 years. The measure also provides full retirement benefits to the surviving spouse or children or any deputy sheriff or jailer, employed on or after November 1, 2020, who is killed or mortally wounded during the performance of their job duties.

HB 2741 (Wallace/Thompson) became law, the Governor's objections notwithstanding. The measure increases the percentage of sales, individual income and corporate income tax revenue apportioned to Education Reform Revolving Fund beginning September 1, 2020 through the end of fiscal year 2022. The increases are offset by equivalent percentage reductions of revenue dedicated to the Teachers' Retirement System of Oklahoma (OTRS).

HB 2742 (Wallace/Thompson) modifies the apportionment formula for insurance premium tax revenue to provide funding to the Education Reform Revolving Fund from September 1, 2020 through the end of fiscal year 2022. The increases are offset by equivalent percentage reductions of revenue dedicated to the Oklahoma Law Enforcement Retirement System, Oklahoma Police Pension Retirement System and Oklahoma Firefighters Pension and Retirement System.

HB 3350 (Thompson/Frix) provides a Cost of Living Adjustment to members of the Oklahoma Firefighters Pension and Retirement System, Oklahoma Police Pension and Retirement System, Uniform Retirement System for Justices and Judges, Teachers' Retirement System of Oklahoma, and the Oklahoma Public Employees Retirement System as of June 30, 2019, who continues to receive benefits on or after July 1, 2020. The increases are as follows:

1) 0% if the person has been retired for less than 2 years as of July 1, 2020.

2) 2% if the person has been retired for less than 5 years as of July 1, 2020.

3) 4% if the person has been retired for 5 or more years as of July 1, 2020.

The measure also provides that if the emergency clause is not approved, the effect of the COLA shall come into effect on November 1, 2020, provided; however, that the benefit increases shall be paid for the months of July, August, September and October by each applicable retirement system. The last raise occurred in 2008.

Transportation

SB 1888 (Allen/Frix) directs the Oklahoma Tax Commission to apportion 35% of the monthly allocation otherwise apportioned to the County Improvements for Roads and Bridges Fund in a manner prescribed by the measure to the 77 counties of this state. In no event shall the total amount of monies credited and remitted to the County Improvements for Roads and Bridges Fund and county highway funds during the fiscal year ending June 30, 2021, exceed \$120 million.

Veterans

SB 1361 (Bice/Burns) authorizes the Adjutant General to expend appropriated and nonappropriated funds to enhance recruiting and retention efforts for the Oklahoma National Guard.