Introduction

The Second Session of the 58th Oklahoma Legislature saw achievements that will enhance the lives of all Oklahomans. The Legislature focused on quality-of-life issues with the enactment of the General Appropriations bill, SB 1040, and other measures. The Legislature endeavored to offset inflation, promote economic development, expand rural broadband capabilities, and eliminate the waiting list for the ADvantage Waiver for developmentally disabled Oklahomans who are awaiting services. The Legislature also continued support for Oklahoma law enforcement by providing significant pay increases to all commissioned peace officers in state government.

Alcohol, Tobacco and Controlled Substances

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

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 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.

**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.

**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 State Department of Health. 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 adjusting 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.

**Business and Technology**

**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 or nolo contendere 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 or nolo contendere 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.
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 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.

Children 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 child care resource administration.

**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 custody.

**HB 4466** directs appropriations to the Department of Human Services. 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.

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 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 Office of the Attorney General 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 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.

**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 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 3648** creates Mackenzie’s Law, which 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 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 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.

**HB 4374** creates the Stephen Bernius Memorial Act, which 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.

**Corrections**

**HB 3270** provides that a hearing to determine the ability of a person to pay fines, fees, costs, or assessments owed upon release from prison is not required if the person provides proof to the court that they are enrolled in a federal or state government assistance program and the court is to waive all fines, fees, costs, or assessments.

**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.

**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.

**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 (68 O.S. Section 2357.4).

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.

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.

**Education**

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.

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; and
- 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.

Other Education Issues

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 of the male sex 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.

Elections

During this session, the Legislature focused on election integrity 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.

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
these refunds authorized may not exceed $10 million in any fiscal year.

**HB 2034** creates the Energy Discrimination Elimination Act, which requires the state Treasurer to prepare a list of financial companies that boycott energy companies. The Treasurer may request written verification from a financial company that it does not boycott energy companies. Companies that fail to send verification within 61 days of the request will be presumed to have boycotted energy companies. State government entities with holdings in companies on the list must notify the Treasurer and warn such companies that they may be subject to divestment. The company has 90 days to cease its boycotting activities to avoid divestment. The measure outlines the method the state entity will use to divest from the company.

**Health**

**Abortion**

Pro-life legislation was a major priority for the 58th Oklahoma Legislature as lawmakers passed the most restrictive abortion laws in the country. 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.

**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 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.

**Health**

**SB 1337** expands provisions for the state’s Medicaid program run by the Oklahoma Health Care Authority (OHCA). 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 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 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 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.

**Insurance**

Lawmakers worked to help the consumer this session by authorizing the option for incentive programs and ensuring better transparency and fair pricing.

**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 a
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.

**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.

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

### 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 procedures for the determination of mental competency of a person to be executed. The measure defines mentally incompetent to be executed 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 and that they are to be executed and that execution is imminent. There is to be a presumption that a person who has received a judgment of death is mentally competent to be executed. After the Attorney General has filed a motion to set the execution date, the person’s attorney may file a motion within seven days of the Attorney General’s filing in the Court of Criminal Appeals explaining the person may be mentally incompetent to be executed and requesting the court to order an examination of the person. Motions claiming incompetency must identify the proceeding in which the person was convicted and clearly set forth the facts in support of the assertion. The measure directs the Court of Criminal Appeals to remand the issue of mental competency to be executed to the trial court where the person was originally tried and sentenced. Mental competency to be executed is not to be considered until a date of execution is set. The Court of Criminal Appeals may issue stays of execution to permit inquiry into the person’s mental competency. After receiving the remand, the trial court that originally tried and sentenced the person is to hold an evidentiary hearing to determine whether the person has raised a substantial doubt as to the person’s competency to be executed. The Attorney General is to represent the state in the hearings. If the court determines there is insufficient evidence of mental incompetency, the motion is to be denied, and the execution is to proceed. The court must order an examination of the person by the Department of Mental Health and Substance Abuse Services (ODMHSAS) if the court determines there is sufficient evidence. Upon agreeing to the examination, the person must waive any claim of privilege with respect to, and consent to the release of, all mental health and medical records relevant to whether the person is mentally incompetent to be executed. A qualified forensic examiner from ODMHSAS is to determine whether the person understands the reason for their execution and whether they understand the execution is imminent. The examiner must provide a report to the court within a time ordered by the court. After all examinations are complete, the trial court must conduct a hearing to determine whether the person is mentally competent to be executed. If the preponderance of evidence shows the person is mentally incompetent, the presumption of competency to be executed will be overcome. A stay of execution is to be issued by the Court of Criminal Appeals until such time as the person is deemed to be mentally competent. The person may be reexamined by a qualified forensic examiner within four months to determine if the person remains mentally incompetent to be executed. If the trial court finds that the person is competent to be executed, the warden is to proceed to execute the judgment as certified in the warrant. When a person is found mentally incompetent to be executed, ODMHSAS in consultation with the Department of Corrections is to determine a place of confinement until competency is restored. If a qualified forensic examiner determines that a person has regained competency, the state is to file a motion with the trial court to determine mental competency. If the person is found mentally competent to be executed, the trial court is to notify the Court of Criminal Appeals to vacate the stay of 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.

**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 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.

**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.

**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.

**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. Click here to view an interactive map of the cities/towns and counties that meet the definition.

SB 401 provides an income tax exemption for retirement benefits received by an individual from any component of the Armed Forces of the United States.

**American Rescue Plan Act (ARPA)**

The Legislature took greater control over how the state is to spend approximately $1.8 billion in federal American Rescue Plan Act (ARPA) funds. Last year, the Joint Committee on Pandemic Relief Funding was created to partner with the executive branch to determine how ARPA funds were to be spent. The committee met with public stakeholders, and more than 1,400 projects were submitted by the public to the committee for consideration. The Legislature funded two projects and has called itself into special session to continue identifying and funding projects that will benefit Oklahoma.

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.

The Legislature took greater control over how the state is to spend approximately $1.8 billion in federal American Rescue Plan Act (ARPA) funds. Last year, the Joint Committee on Pandemic Relief Funding was created to partner with the executive branch to determine how ARPA funds were to be spent. The committee met with public stakeholders, and more than 1,400 projects were submitted by the public to the committee for consideration. The Legislature funded two projects and has called itself into special session to continue identifying and funding projects that will benefit Oklahoma.

**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 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. The money will be used for broadband mapping needs. The measure also appropriates an additional $365,068 to the board from the fund for the Oklahoma State University Institute of Technology's Advanced Fiber Technician Training Program.

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 from the Statewide Recovery Fund to the OWRB 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 a 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 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.