

# ACEC OKLAHOMA

## Legislative Report, March 13, 2020

The 2020 Legislative Session hit the half-way mark on Thursday, March 12th as bills had to be out of the "House of Origin" by that date.

As reported a couple of weeks ago, with both new bills and "carry overs" from 2019, there were over 4,500 bills available for action. When the Committee deadline passed two weeks ago, that number dropped to just over 1,400 since bills not heard in Committee before that deadline became "dormant" for the balance of the session.

Both the House and Senate spent the last two weeks doing "floor" work, acting on 50-75 bills a day in each chamber. With the passing of yesterday's deadline, some 250 bills were not acted on and became "dormant" for the rest of the year, leaving some 1150 bills "active" as we head into the second half of the session.

It's been a good two weeks for ACEC OKLAHOMA as our two major initiatives for the session ....**Indemnification/Duty to Defend** reform, and, making **Peer Review** records privileged information....both passed the House by wide margins. Both bills now move to the Senate for further consideration.

**HB 1546 by Representative Ryan Martinez and Senator Lonnie Paxton** was introduced at ACEC OKLAHOMA's request and will make Indemnification & Duty to Defend clauses in public contract void and unenforceable. **Passed House by a vote of 83-11.**

**HB 2880 Representative Mike Sanders and Senator Darcy Jech** was also introduced at ACEC OKLAHOMA's request, and would provide liability protection to firms which perform "Peer Review" services for other design professionals. The bill would make Peer Review records "privileged information" and not discoverable or admissible in court. **Passed House by vote of 90-3.**


**SB 1775 by Senate President Pro Tem Greg Treat and Speaker of the House Charles McCall** would have consolidated the Oklahoma Turnpike Authority into the Oklahoma Department of Transportation. However, Senator Treat amended the bill on the Senate floor to remove the consolidation requirement, and instead authorizes the two agencies to contract with each other for personnel, equipment, and other resources. ODOT & OTA will retain their separate identities, powers, and duties. These changes have been fully approved and endorsed by Governor Stitt, who Wednesday at the TRUST legislative event thanked both Treat & Secretary Tim Gatz for their work on this initiative.

Below is the complete list of bills which ACEC OKLAHOMA is currently still tracking. The 2019 bills are so-called "Carry Over Bills" which are still technically alive until certain deadlines pass. The 2020 bills are new bills introduced this session which we are watching closely. **Highlighted bills** are ones we are actively following and/or working, with the balance on our "watch" list.


If you have any questions regarding the bills listed below, or about any other bill which you don't see listed, please don't hesitate to contact us.

# 2019 Tracking List – Carryover Bills


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**SB0376**  **Short Title:** [ roads and bridges - Oklahoma First Act - letting contracts - contract awarding procedure - noncodification - effective date ] (Amended by House, Amended by Senate, Stricken Title, Carryover Bill, Stricken enacting clause, Committee Substitute)  
**Paraphrase:** SB0376, by Sen. Robert Standridge, R-Norman and Rep. Avery Frix, R-Muskogee, requires preference to be given to bidders for state highway projects that commit to use Oklahoma-owned businesses to perform the work. It suspends the preference if federal funding would be jeopardized or if an inconsistency with federal law arises. (Amended by House, Amended by Senate, Stricken Title, Carryover Bill, Stricken enacting clause, Committee Substitute)  
**Effective Date:** 11/01/2019 **Emergency:** No  
**Principal Authors:** Standridge, Robert (S); Frix, Avery (H)  
**Status:** H General Order **Status Date:** 04/11/2019

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**SB0648**  **Short Title:** An Act relating to highways; amending 47 O.S. 2011, Section 11-801, as last amended by Section 1, Chapter 237, O.S.L. 2018 (47 O.S. Supp. 2019, Section 11-801), which relates to speed limits; modifying maximum speed limits for the turnpike and interstate highway systems; updating statutory references; and declaring an emergency. (Amended by Senate, Carryover Bill, Emergency Measure)  
**Paraphrase:** SB0648, by Sen. Joseph Silk, R-Broken Bow and Rep. Justin Humphrey, R-Lane, permits the Transportation Commission to set a speed limit of 80 miles per hour in locations comprising rural segments of the turnpike system and 75 miles per hours in locations comprising rural segments of the interstate highway system, provided the commission determine prior to the designation that the public safety will not be jeopardized. (Amended by Senate, Carryover Bill, Emergency Measure)  
**Effective Date:** // **Emergency:** Yes  
**Principal Authors:** Silk, Joseph (S); Humphrey, Justin (H)  
**Status:** H Introduced **Status Date:** 03/09/2020

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**SB0762**  **Short Title:** An Act relating to public bidding and public contracts; amending 60 O.S. 2011, Section 176, as last amended by Section 22, Chapter 42, O.S.L. 2017 (60 O.S. Supp. 2018, Section 176), which relates to trusts in furtherance of public functions; clarifying statutory reference; authorizing certain public trusts and public agencies to provide certain local bid preference of certain amount under certain conditions; requiring entities to adopt certain policy; stating requirements; defining term; providing for exceptions; amending 61 O.S. 2011, Section 103, as last amended by Section 2, Chapter 186, O.S.L. 2013 (61 O.S. Supp. 2018, Section 103), which relates to the Public Competitive Bidding Act of 1974; authorizing certain public trusts and public agencies to provide certain local bid preference of certain amount under certain conditions; requiring entities to adopt certain policy; stating requirements; defining term; providing for exceptions; and providing an effective date. (Amended by House, Amended by Senate, Carryover Bill, Committee Substitute)  
**Paraphrase:** SB0762, by Sen. Roland Pederson, R-Burlington and Rep. Kevin West, R-Moore, authorizes a local bid preference of no more than 5 percent of the bid price, if the public entity seeking the bid determines there is an economic benefit. It requires the local bid to come from within 200 miles of the job site, but not outside of Oklahoma. (Amended by House, Amended by Senate, Carryover Bill, Committee Substitute)  
**Effective Date:** 11/01/2019 **Emergency:** No  
**Principal Authors:** Pederson, Roland (S); West, Kevin (H)  
**Status:** Conferees Named - Senate **Status Date:** 05/02/2019  
**Committee(1):** Conf. SB0762 (S)

# 2020 Tracking List


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**HB1546**  **Short Title:** An Act relating to design professional services agreements; defining term; declaring certain provisions void and unenforceable; stating exceptions; stating applicability of act; providing for codification; and providing an effective date. (Amended by House, Carryover Bill, Committee Substitute)  
**Paraphrase:** HB1546, by Rep. Ryan Martinez, R-Edmond and Sen. Lonnie Paxton, R-Tuttle, voids any provision in a contract or subcontract related to architectural, licensed engineering, or licensed land surveying services, which requires an entity or its insurer to indemnify another entity against death, bodily injury or property damage out of negligence. (Amended by House, Carryover Bill, Committee Substitute)  
**Effective Date:** 11/01/2020 **Emergency:** No  
**Principal Authors:** Martinez, Ryan (H); Paxton, Lonnie (S)  
**Status:** S Introduced **Status Date:** 03/11/2020

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**HB2880**  **Short Title:** [ professions and occupations - making certain peer review records privileged information - effective date ]  
**Paraphrase:** HB2880, by Rep. Mike Sanders, R-Kingfisher and Sen. Darcy Jech, R-Kingfisher, modifies language related to engineers and land surveyors. It defines certain terms. It makes privileged the reports, statements, memoranda, proceedings, findings and other records submitted to or generated by any peer review committee or peer reviewer and not subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. It establishes that information contained in such records will not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process. It permits a peer review committee or peer reviewer to report to and discuss activities, information and findings with other peer review committees or peer reviewers or to the design professional who retains, employs, designates or appoints the peer reviewer or peer review committee and with any officer, director or quality control director, risk manager or employed design professional without waiver of the privilege and makes the records of all such peer review committees or peer reviewers relating to such report privileged. It establishes that each peer reviewer and member of a peer review committee will be immune from civil liability, so long as the acts are performed in good faith, without malice, and are reasonably related to the scope of inquiry of the peer review process. It provides the immunity is intended to cover only outside peer reviews by a third-party design professional who is not an employee, coworker or partner of the design professional whose design is being peer reviewed and has no other role in the project besides performing the peer review.  
**Effective Date:** 11/01/2020 **Emergency:** No  
**Principal Authors:** Sanders, Mike (H); Jech, Darcy (S)  
**Status:** S Introduced **Status Date:** 03/05/2020

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**HB3098**  **Short Title:** An Act relating to professions and occupations; which relate to the State Architectural and Registered Interior Designers Act; modifying short title; modifying purpose of act; modifying various references to name of act; modifying definitions; defining terms; re-creating Board of Governors of the Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma; extending sunset date; increasing membership of Board; modifying powers and duties of the Board; providing for use of certain code groups; modifying registration of commercial interior designers; modifying waiver of educational and examination requirements; providing for use of interior designer seal; providing exceptions; providing for codification; providing an effective date; and declaring an emergency. (Emergency Measure)  
**Paraphrase:** HB3098, by Rep. Mike Osburn, R-Edmond and Sen. Adam Pugh, R-Edmond, modifies the State Architectural and Registered Interior Designers Act to apply to registered commercial interior designers. It updates the name of the act to reflect the change to commercial interior designers, and the sunset is extended to 2026. It expands the newly-renamed Board of Governors of the Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma is expanded from 11 members to 13, adding an additional registered commercial interior designer and an additional lay member. It requires a registered commercial interior designer to plan and design for Code Use Groups as defined by the

current International Building Code. It removes specified educational requirements to become a registered commercial interior designer. It authorizes a permit certificate of registration to use the title of registered commercial interior designer to a nonresident or person who has recently become a resident if that person holds an unexpired certificate of similar registration in another jurisdiction. It requires each registered interior designer to have a seal for use on interior technical submissions prepared by the designer. (Emergency Measure)

**Effective Date:** 07/01/2020 **Emergency:** Yes

**Principal Authors:** Osburn, Mike (H); Pugh, Adam (S)

**Status:** S Introduced **Status Date:** 03/10/2020

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**HB3220**



**Short Title:** An Act relating to revenue and taxation; enacting the Motor Vehicle Tax Equity Act of 2020; amending 68 O.S. 2011, Sections 1353, as last amended by Section 1, Chapter 446, O.S.L. 2019, 1355, as last amended by Section 1, Chapter 356, O.S.L. 2017, 1403, as last amended by Section 9, Chapter 17, 2nd Extraordinary Session, O.S.L. 2018 and 1404, as amended by Section 5, Chapter 356, O.S.L. 2017 (68 O.S. Supp. 2019, Sections 1353, 1355, 1403 and 1404), which relate to sales and use tax; apportioning tax collected on public highway electric vehicles; removing exemptions; amending 68 O.S. 2011, Sections 2101, as amended by Section 2, Chapter 57, O.S.L. 2016 and 2106, as amended by Section 2, Chapter 356, O.S.L. 2017 (68 O.S. Supp. 2019, Sections 2101 and 2106), which relate to excise tax; modifying definitions; defining terms; proscribing amount of tax in lieu of other taxes; providing for noncodification; providing an effective date; and declaring an emergency.

**Paraphrase:** HB3220, by Rep. Dustin Roberts, R-Durant and Sen. James Leewright, R-Bristow, creates the Motor Vehicle Tax Equity Act of 2020. The measure provides the 4.5 percent sales tax of the gross receipts on sales of public highway electric vehicles be apportioned with 60 percent going to the State Highway Construction and Maintenance Fund and 40 percent divided among the county treasures offices according to the percentage of county area and miles to be credited to the county highway fund of each county. The bill also provides public highway electric vehicles are not to be exempted from taxation under the Oklahoma Sales Tax Code, excise tax or other use tax.

**Effective Date:** 07/01/2020 **Emergency:** Yes

**Principal Authors:** Roberts, Dustin (H); Leewright, James (S)

**Status:** S Introduced **Status Date:** 03/11/2020

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**HB3913**



**Short Title:** [ transportation funding - appropriation to the County Improvements for Roads and Bridges Fund - effective date - emergency ] (Amended by House, Stricken Title, Appropriation Bill, Emergency Measure)

**Paraphrase:** HB3913, by Rep. Kevin Wallace, R-Wellston, Rep. Sean Roberts, R-Hominy, Rep. Todd Russ, R-Cordell, and Sen. Roger Thompson, R-Okemah, appropriates \$20 million to the County Improvements for Roads and Bridges Fund for the fiscal year ending June 30, 2021 from any monies not otherwise appropriate from the General Revenue Fund. (Amended by House, Stricken Title, Appropriation Bill, Emergency Measure)

**Effective Date:** 07/01/2020 **Emergency:** Yes

**Principal Authors:** Roberts, Sean (H); Russ, Todd (H); Wallace, Kevin (H); Thompson, Roger (S)

**Status:** S Introduced **Status Date:** 03/03/2020

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**HB4001**



**Short Title:** An Act relating to sunset; amending 59 O.S. 2011, Section 475.3, as last amended by Section 3, Chapter 259, O.S.L. 2017 (59 O.S. Supp. 2019, Section 475.3), which relates to the State Board of Licensure for Professional Engineers and Land Surveyors; recreating the Board; and modifying termination date.


**Paraphrase:** HB4001, by Rep. Tom Gann, R-Inola and Sen. Nathan Dahm, R-Broken Arrow, extends the sunset date for the State Board of Licensure for Professional Engineers and Land Surveyors from July 2, 2020 to July 1, 2026.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Gann, Tom (H); Dahm, Nathan (S)

**Status:** S Introduced **Status Date:** 03/09/2020

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**HB4028**  **Short Title:** An Act relating to the Department of Transportation; directing the promulgation of rules and procedures to conduct certain traffic study; directing the modification of certain plan; setting time frame for study completion and implementation of modifications; providing for codification; and providing an effective date.


**Paraphrase:** HB4028, by Rep. Charles McCall, R-Atoka and Sen. Marty Quinn, R-Claremore, requires the Department of Transportation to promulgate rules and procedures to conduct a traffic study to identify rural areas where robust economic development has created traffic flow difficulties due to outdated road infrastructure. It requires, once identified, the department to promulgate rules to modify the formula in its Eight-Year Construction Work Plan to give more prioritization for road construction projects in rural areas where such emergent economic development has outgrown current roadway infrastructure. The bill requires the study and implementation of the modification of the Eight-Year Construction Work Plan to begin by Nov. 1, 2021.

**Effective Date:** 11/01/2020 **Emergency:** No

**Principal Authors:** McCall, Charles (H); Quinn, Marty (S)

**Status:** S Introduced **Status Date:** 03/10/2020

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**SB1193**  **Short Title:** An Act relating to the Electric Vehicles Revenue Solutions Task Force; creating task force; stating purpose; stating membership; requiring appointments by certain date; providing for staffing and travel reimbursement; providing for administrative support; requiring report by certain date; providing for noncodification; and declaring an emergency. (Amended by Senate, Emergency Measure, Committee Substitute)


**Paraphrase:** SB1193, by Sen. Robert Standridge, R-Norman and Rep. Avery Frix, R-Muskogee, creates, until Jan. 1, 2020, the Electric Vehicle Revenue Solutions Task Force to study and evaluate a revenue solution for electric vehicles and their impacts on Oklahoma roads. It requires the task force to study an alternative to the state motor fuel tax for Oklahoma citizens, and how to collect road use revenue for electrified vehicles traveling or staying in Oklahoma but not registered in the state. It requires the task force to develop a revenue model that does not require Oklahoma citizens to carry the financial burden for road revenues currently paid through fuel taxes by vehicles not registered in Oklahoma and to address any other pertinent issues it deems necessary to carry out the scope of such projects. It establishes membership and meeting requirements. The bill requires the task force to report its finding and recommendations to the governor, Senate president pro tempore, House speaker and Transportation Commission on or before Jan. 1, 2021. It requires the report to be prepared by the staff of the Department of Transportation. (Amended by Senate, Emergency Measure, Committee Substitute)

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Standridge, Robert (S); Frix, Avery (H)

**Status:** H Introduced **Status Date:** 03/03/2020

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**SB1329**  **Short Title:** [ Public Competitive Bidding Act of 1974 - company headquarters - effective date ]


**Paraphrase:** SB1329, by Sen. John Montgomery, R-Lawton and Rep. Judd Strom, R-Copan, clarifies language related to state agency contracts listing the city, state and country in which the company that is seeking or awarded work is headquartered. It requires that the contracts be bid contracts, rather than bid or no bid contracts.

**Effective Date:** 11/01/2020 **Emergency:** No

**Principal Authors:** Montgomery, John (S); Strom, Judd (H)

**Status:** H Introduced **Status Date:** 03/11/2020

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**SB1403**  **Short Title:** An Act relating to the County Road Improvement Act; amending 69 O.S. 2011, Section 687.1, as amended by Section 1, Chapter 193, O.S.L. 2013 (69 O.S. Supp. 2019, Section 687.1), which relates to circuit engineering districts; deleting requirement for independent audit; providing for operational audits by the State Auditor and Inspector; authorizing promulgation of rules; eliminating rules, forms and procedures for pool equipment purchasing; updating statutory references; providing an effective date; and declaring an

emergency. (Amended by Senate, Emergency Measure)


**Paraphrase:** SB1403, by Sen. Chuck Hall, R-Perry and Rep. Brad Boles, R-Marlow, requires the State Auditor and Inspector to perform an operational audit of each circuit engineering district upon completion of each fiscal year. It authorizes the State Auditor and Inspector to promulgate rules. The bill removes language that required the State Auditor and Inspector to prescribe the necessary rules, forms and procedures to provide for the efficient and timely means by which the pool purchase of supplies and equipment may be accomplished on behalf of the participating counties. (Amended by Senate, Emergency Measure)

**Effective Date:** 07/01/2020 **Emergency:** Yes

**Principal Authors:** Hall, Chuck (S); Boles, Brad (H)

**Status:** H Introduced **Status Date:** 03/05/2020

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**SB1775**  **Short Title:** An Act relating to the Oklahoma Turnpike Authority; authorizing certain shared functions; retaining certain corporate authority; allowing certain action as necessary; providing for codification; and providing an effective date. (Amended by Senate, Stricken Title)


**Paraphrase:** SB1775, by Sen. Greg Treat, R-Oklahoma City and Rep. Charles McCall, R-Atoka, authorizes shared functions between the Oklahoma Turnpike Authority (OTA) and the Oklahoma Department of Transportation (ODOT). It provides the authority will remain a body corporate and constituting an instrumentality of the state and retain all corporate powers set forth in the Oklahoma Turnpike Authority Enabling Act, for so long as any bonds, notes or other obligations of the authority remain outstanding and are not fully discharged. It provides it will not be deemed to limit or alter in any way the rights and obligations of the authority. It authorizes the ODOT director and the OTA director contract with each other to provide personnel and equipment and other resources, either of the department, the authority or consulting or contracting firms for recordkeeping, reporting, administrative, planning, engineering, legal, financial and clerical functions, and construction, operation and maintenance of turnpike projects and highways. It requires the authority to retain its separate identity, powers and duties as an instrumentality of the state. It requires duplication of effort, facilities and equipment be minimized by the Authority and the ODOT director in operation and maintenance of turnpikes and highways of this state. It authorizes the authority and the department to take such action as necessary to implement the provisions of the bill, including the temporary transfer of personnel, property and equipment from the authority to the department and the department to the authority. The bill requires the charges for services be made on the basis of the total and actual cost to the authority and department, as applicable, of all wages, salaries, expenses, equipment rental, damage to equipment, depreciation or other charges and expenses chargeable to the services to be rendered by the authority to the department and the department to the authority or pursuant to contractual terms with third parties. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2020 **Emergency:** No

**Principal Authors:** Treat, Greg (S); McCall, Charles (H)

**Status:** H Introduced **Status Date:** 03/11/2020

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**SB1888**  **Short Title:** [ transportation - contracts - electronic signatures - digital inspection process - codification - effective date ] (Amended by Senate, Stricken Title)

**Paraphrase:** SB1888, by Sen. Mark Allen, R-Spiro and Rep. Avery Frix, R-Muskogee, requires the Department of Transportation shall promulgate rules and procedures to make its construction contracting process paperless. It requires all contracts be available in electronic form and be able to accept digital signatures of both parties to the contract. It requires the system created have security procedures in place to verify the digital signatures of the parties to the contract. The bill defines appropriate terms. It also requires the department to promulgate rules and procedures to provide a digital inspection process that allows for real-time, transparent and accountable review of the process for department construction projects. It establishes requirements for the process. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2020 **Emergency:** No

**Principal Authors:** Allen, Mark (S); Frix, Avery (H)

**Status:** H Introduced **Status Date:** 03/04/2020

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**SB1891**

**Short Title:** An Act relating to occupations and professions; creating the Universal Occupational License Recognition Act; providing short title; providing for recognition of certain occupational licenses and certifications for certain persons; providing criteria for issuing certain licenses; recognizing disqualifying criminal history for certain licensure or certifications; allowing state-to-state reciprocal agreements; prohibiting licensure under certain conditions; permitting examination for licensure; requiring Oklahoma licensing laws and jurisdiction to apply to reciprocal licenses; excepting certain provisions for reciprocal licensure; stating fingerprint clearance and interstate compact requirements; defining term; recognizing certain out-of-state work experience for certain purpose; recognizing certain private certification for certain purpose; requiring periodic review of all licenses by regulating entity; stating minimum review period; stating criteria for review; providing for codification; and providing an effective date. (Amended by Senate, Stricken Title)

**Paraphrase:** SB1891, by Sen. Adam Pugh, R-Edmond and Rep. Kevin Wallace, R-Wellston, creates the Universal Occupational License Recognition Act. It requires an occupational license or certificate be issued, in the discipline applied for and at the same practice level as determined by the regulating entity, to a person who establishes residency in this state or is married to an active duty member of the armed forces of the United States and who is accompanying the member to an official permanent change of station to a military installation located in this state when certain criteria are met. The bill states it does not prevent a regulating entity from entering into a reciprocity agreement with another state or jurisdiction, except that the agreement may not allow out-of-state licensees or certificate holders to obtain a license or certificate by reciprocity in this state if the applicant has not met standards that are substantially equivalent to or greater than the standards required in this state as determined by the regulating entity on a case-by-case basis. It permits a regulating entity that administers an examination on laws of this state as part of its license or certificate application requirement to require an applicant to take and pass an examination on the laws of this state. It states a person licensed pursuant to this act is subject to the laws regulating the person's practice in this state and is subject to the regulating entity's jurisdiction. It provides for exemptions. It provides for recognition of out-of-state work experience under certain conditions. It provides for recognition of private certification in other states under certain circumstances. It requires all state occupational or professional licenses be reviewed not less than once every four years to determine if the license is necessary and if necessary, use the least restrictive regulation to protect consumers from present, significant and substantiated harms that threaten public health and safety. It requires the review address specific questions. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2020 **Emergency:** No

**Principal Authors:** Pugh, Adam (S); Wallace, Kevin (H)

**Status:** H Introduced **Status Date:** 03/11/2020