

To: Honorable Mayor and City Councilors
From: Michael Spurgeon, City Manager
Date: March 12, 2021
Re: Notes to Council

1. STAFF REPORTS / ITEMS REQUIRING IMMEDIATE ATTENTION

- 2021 Oklahoma Legislature Update and Newsletter, Week Five: March 1-5

2. GENERAL CORRESPONDENCE / NOTIFICATION

- Press Release – March 11, 2021 Update: City of BA opens first COVID-19 vaccine clinic
- Press Release – Hillside Drive reopens in Broken Arrow
- Press Release – Broken Arrow cuts ribbon on Adult Softball Complex
- Recent Media Coverage

3. SPECIAL EVENTS / ACTIVITIES

- N/A

Respectfully submitted

Michael Spurgeon

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Attachments

1. STAFF REPORTS / ITEMS REQUIRING IMMEDIATE ATTENTION





2021 Oklahoma Legislative Update and Newsletter Week Five: March 1-5

Legislative Deadlines	
March 11	3rd Reading in House of Origin
April 8	House Measures from Senate Committee
April 22	3rd Reading in Opposite Chamber
May 28	Sine Die Adjournment, 5:00 p.m.

Agency, Legislative, and Executive Press Releases

[\\$49M to School Districts that Received Limited Federal Aid in Pandemic Relief](#)

State Superintendent of Public Instruction Joy Hofmeister announced the Oklahoma State Department of Education (OSDE) is allocating \$49 million in federal relief dollars to 88 Oklahoma school districts that had received limited funds under Elementary and Secondary School Emergency Relief (ESSER) II. The funds are part of the set-aside ESSER II dollars that had been allocated to the OSDE.

“These recipients had received the least amount of federal aid but, like all public school districts throughout our state, are struggling with financial burdens exacerbated by the pandemic,” said Hofmeister. “These additional foundational dollars will help strengthen their ability to meet the many challenges posed by COVID-19.” As required under the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, ESSER II allocations were distributed based on Title I funds from fiscal year 2020. Consequently, some school districts with smaller number of high-poverty students received limited relief funding from the \$665 million that ESSER II provided to Oklahoma schools.

Without the additional dollars, some districts indicated they would have been forced to cut critical staff such as teachers, nurses, and counselors. “We appreciate State Superintendent Joy Hofmeister and the Oklahoma State Department of Education for their steadfast support of

Moore Public Schools through this very challenging year,” said Robert Romines, Superintendent of Moore Public Schools. “The ESSER II funding will significantly fill the budget gap we have been preparing to face in our district. This funding will be instrumental for us to continue providing essential services for our students and staff, which include having mental health and medical health professionals in our schools. We will also utilize this allocation to continue building a virtual learning program that is academically and developmentally rigorous.”

His sentiments were echoed by Owasso Public Schools Superintendent Amy Fichtner. “We are grateful for the State Department of Education’s diligent efforts to identify and address needs in districts across the state following the distribution of ESSER II funds,” she said. “These funds will allow us to provide continuity of services to our students and maintain our ardent focus on their education.” OSDE determined that any district that had received less than \$550 per student in ESSER II funds was awarded a portion of the \$49 million. Allowable uses of the dollars include preventing, preparing for, and responding to COVID-19, as well as mitigating learning loss and restoring high-quality learning environments.

[Bills to Help Students Attain Higher Education Sent to House](#)

The Senate has approved two education bills to help enhance retention and graduation rates at Oklahoma’s public colleges and universities. Sen. Dewayne Pemberton is the author of Senate Bills 237 and 238 dealing with state and federal financial aid for students. “One of the main reasons for students not pursuing a college degree or for dropping out is because they simply can’t afford it,” said Pemberton, Education Appropriations Subcommittee Chair and Education Committee Vice Chair.

“Currently, the Oklahoma Tuition Aid Grant (OTAG) is awarded directly by the State Regents to lower-income students on a ‘first-come, first-served’ basis without regard to other financial aid that person is receiving, including federal Pell Grants, Oklahoma’s Promise, Academic Scholars Program, Regional Baccalaureate Scholarship, tuition waivers, foundation scholarships or other scholarships. This is not an efficient use of these grant dollars, and Senate Bill 237 will ensure that those who most need this financial assistance will get it.”

Under SB 237, OTAG would be awarded directly by the participating institutions to lower-income students based on their overall financial need and other priority factors. The bill directs the Oklahoma State Regents for Higher Education to determine award priorities based on enrollment status, unmet financial need, continuous enrollment, nearness to completion, state employment needs, eligibility for other financial aid, and availability of funding. It would also increase annual award amount ranges to...

- \$200-\$1,500 at public community colleges, comparable private/independent two-year colleges, and career technology centers,
- \$200-\$2,000 at public and private/independent regional universities, and
- \$200-\$3,000 at public and private/independent research universities.

SB 238 creates a 9-member taskforce to study possibly requiring each high school student to complete the Free Application for Federal Student Aid (FAFSA) prior to graduation. The committee would include one member each from the House and Senate along with school district and higher education representatives. They would be required to submit their recommendations to the legislature by the end of the year. Rep. Jadine Nollan, R-Sand Springs, will carry the bill in the House.

“Too many young people are giving up on their dream of pursuing a college degree because they don’t think they can afford it, but they don’t realize there is financial assistance available,” Pemberton said. “If all students were to complete the FAFSA before graduating, I believe we’d see many more kids choose the path of higher education. This would not only positively impact their futures, but the state’s economy being that college graduates make significantly more over their lifetime than those with just a high school diploma.”

[House Passes Transparency in Health Care Prices Act](#)

A bill requiring health care providers, groups, and facilities to make prices for their most commonly provided services available to consumers passed unanimously in the House with a vote of 92-0. House Bill 1006, by Rep. Carol Bush, R-Tulsa, creates the Transparency in Health Care Prices Act.

“Oklahoma consumers understand the cost and affordability associated with virtually every available consumer product,” Bush said. “However, when considering the cost and affordability of health care, Oklahoma patients face serious challenges in shopping for and comparing the best and most affordable care available. This legislation will increase transparency into this system so people can better manage their treatment.”

Under the measure, health care prices means the cash price a provider, group or facility will charge a patient for a standard service. This pricing list shall be made available either on the provider’s website or other conspicuous posting. Health care facilities also would be required to make common diagnosis and outpatient CPT codes public. The price would, of course, not include any amount in the case of complications or exceptional treatment. The document must be updated at least annually. The bill would prohibit the review of healthcare prices by any agency and interference in contracts between private parties.

Bush said the measure compliments new federal regulations and is supported by the Oklahoma State Medical Association.

HB 1006 now moves to the state Senate where it is authored by Sen. Adam Pugh, R-Edmond.

[Senate Appropriations Approves Bill to Reduce Cost of Prescription Drugs](#)

The Senate Appropriations Committee has given its approval to a measure that would ensure Oklahomans are not paying more for many prescriptions than the price in Canada. Sen. Greg McCortney, chair of Health and Human Services, is the author of Senate Bill 734, which was approved on Monday. “I believe we’ll never fix our healthcare system until we reduce the cost of care—the price of prescription medication is a huge part of the problem. Like citizens throughout the U.S., Oklahomans are paying hundreds, sometimes thousands more for prescriptions than

people buying the exact same medications in Canada,” said McCortney, R-Ada. “This legislation would right that wrong.”

Under SB 734, the bill sets the upper limit on the price of the top 250 drugs covered by Health Choice, an insurance plan covering state, and local employees in Oklahoma, based on the price drug companies pay in Canada. Oklahoma Insurance companies and pharmacies would be able to negotiate down from that pricing level. According to the National Academy for State Health Policy (NASHP), on the average, U.S. drug prices are 218 percent higher than in Canada. Health Choice pays approximately \$2,442 for the prescription drug Humira, used to treat inflammatory conditions such as Crohn’s disease, but the exact same prescription costs just \$564 in Quebec. Under SB 734, the savings for just Humira would be approximately \$13.5 million in the first year alone.

“Everyone talks about the skyrocketing cost of insulin. Looking at the top 25 drugs listed by Health Choice, Trulicity is among them. It costs an estimated \$340 for Health Choice but Trulicity is \$66 in Quebec,” McCortney said. “The total projected savings just for Health Choice for just those top 25 drugs would be more than \$52 million in the first year—and keep in mind this bill would cover the top 250 drugs. This bill will save money for individual insurance customers and for taxpayers.”

McCortney said the bill would require insurance companies to pass along all savings to the customers, which would lower the cost of insurance by an estimated \$250 or more per person each year.

SB 734 now moves to the full Senate for further consideration.

[Senate Approves Resolution Calling for Article V Convention of States](#)

Sen. Rob Standridge, R-Norman, has won approval from the full Senate for Senate Joint Resolution 23, calling for an Article V Convention of States to propose amendments to the U.S. Constitution. Standridge has advocated for a Convention of States for several years, and worked closely with his friend, the late U.S. Senator, Tom Coburn, on the issue.

“I was incredibly honored to work with my friend, Dr. Coburn, on getting this resolution originally passed a few years ago, and very proud of the book we worked on together, *Smashing the DC Monopoly*, on this very topic,” Standridge said. “It gives tremendous insight into how Dr. Coburn determined that Article V was the right avenue for states, and how states can work together to reassert the sovereignty our founders intended. I’m proud to honor his memory by continuing to support this effort.”

Standridge said there are two ways amendments to the Constitution can be proposed, either through a two-thirds majority of Congress or a two-thirds majority of the states. “Our founders included the right of states to propose amendments as a way to correct any imbalance of powers between the states and the federal government and solve problems that Congress cannot or will not address,” Standridge said. “Examples of potential proposals that could help would be to impose term limits on Congress and require a balanced budget.” SJR 23, which was approved

Tuesday, now moves to the House of Representatives for further consideration. Standridge said he encouraged all states to pass a Convention of States Article V resolution.

“Leaders in every state should stand up and show that the rights and freedoms of their citizens mean more than an all-powerful federal government that continually works to erode our rights and freedoms,” Standridge said.

[Senate Votes to Protect Election Integrity in Oklahoma](#)

Oklahoma has been praised as having one of the best and most secure election systems in the country. On Wednesday, the Senate overwhelmingly supported legislation prohibiting any state official, agency, or local government from altering election procedures through legal agreements or court settlements that conflict with state election law.

Sen. Lonnie Paxton, R-Tuttle, said he authored Senate Bill 523 to protect the integrity of Oklahoma elections by preventing the questionable and unethical election actions that took place in other states during the 2020 presidential election.

“Last year, we witnessed one of the most controversial and debated elections in our country’s history. Officials in other states overstepped their authority making last minute changes through administrative and executive actions to their states’ election processes without legislative approval, putting into question the fairness and accuracy of their results,” Paxton said.

“Oklahomans can be confident in our state’s election system, and this bill further solidifies that our state’s election system will never be changed except through legislative action.” Paxton said he was also concerned with growing efforts at the federal level to control state elections.

“Currently, the federal government is already working on legislation, H.R. 1, to take over control of state elections. This bill would directly impact and destroy the reforms we’ve passed in recent years to protect the integrity of our elections, like verifying voter identity. We must protect ourselves from federal overreach that seeks to ruin our secure system,” Paxton said.

SB 523 passed along party lines, 37-8. It now moves to the House where Rep. Mark Lepak, R-Claremore, is the principal House author.

News

[Analysts Predict Gas Prices will Rise Past \\$3 Per Gallon](#)

The national average cost for a gallon of gas may rise to \$3 or more by Memorial Day, analysts at GasBuddy predicted Thursday. The analysts noted that a meeting of OPEC members this week closed with no agreement on a significant increase in oil production, which should mean OPEC’s large cuts in production in 2020 generally will be extended. Only Russia and Kazakhstan were granted small exemptions to raise production by 130,000 barrels a day and 20,000 barrels a day, respectively.

Early in the pandemic, OPEC cut some 10 million barrels per day, which largely remains the case. In response, crude oil prices jumped to fresh highs, with a barrel of West Texas Intermediate crude nearing \$65 per barrel, the highest level since 2019. The last time the national average for a gallon of gas reached \$3 was more than 2,300 days ago, on Oct. 10, 2014, GasBuddy said. OPEC's production decisions and news that COVID-19 vaccinations are increasing worldwide caused demand for oil to rebound sharply.

“The outcome of today’s OPEC meeting lends to a running of the bulls in oil markets, as global oil demand rebounds amidst recovery in the COVID-19 pandemic while OPEC, which controls a third of global production, balks at the recovery and maintains extreme production cuts,” said Patrick De Haan, head of petroleum analysis at GasBuddy. “Extending the production cuts maintains a growing imbalance between demand and supply, and puts more pressure on oil prices to rise, should global demand continue to recover.

De Haan added that continued recovery from the pandemic seems likely. “American motorists (are) filling their tanks at the fastest pace since the pandemic began. I predict the national average now has 70% odds of reaching \$3 per gallon,” he said. According to Pay with GasBuddy data, gasoline demand last week reached its highest level in nearly a year, rising 15% from the prior week and settling just single digits away from pre-pandemic demand levels. Demand has risen across all regions of the U.S.

U.S. production also was cut drastically after the pandemic curbed demand. Energy companies lost billions and thousands of jobs in the oil sector were lost. GasBuddy said it is worth noting that neither President Biden’s recent decision to rescind the Keystone XL pipeline nor his decision to end approval of new leases on federal land played a role in Thursday’s news of rising oil prices. Further, it said there is no shortage of pipeline capacity and U.S. producers aren’t racing to install new rigs on federal land, since some existing wells remain shut down.

[As Vaccine Supplies Increase, Oklahoma Opens Next Groups for COVID-19 Shots](#)

Oklahoma next week will open more groups to be eligible for the COVID-19 vaccine as the state now has more than one-third of its adult population with at least one dose. The move, announced Friday, comes as a downward trend continues for new cases and hospitalizations after pandemic highs were reached in mid-January. But the state health department made a significant admission this week that it got behind on reporting deaths from COVID-19.

Officials with the Oklahoma State Department of Health said their investigations of COVID-19 deaths began slowing as deaths, cases and hospitalizations surged in the past several months. The department’s Acute Disease Service hasn’t been able to catch up, leading to a difference of more than 2,500 deaths from the state’s total and one taken from death certificates filed with the state and sent to the vital records division of the Centers for Disease Control and Prevention.

The state received its first shipment of the newly approved, one-shot Johnson & Johnson vaccine on Wednesday, said Keith Reed, deputy health commissioner. But because of production issues, the state isn’t expecting another shipment of that vaccine until the end of the month.

“What is fortunate is that we are seeing continuing increases with Moderna and Pfizer vaccines coming in place to help offset that,” Reed said Friday. “Once we get towards the end of the month and we start on that regular cadence of Johnson & Johnson coming in, that’s going to be a welcome bump with our overall supply.”

The state will open the remainder of the second phase of its four-phase rollout plan for the vaccines. Beginning Monday, staff, and residents in congregate care facilities, including prisons and jails, will be eligible. It also includes some workplaces and public transit systems where social distancing isn’t possible, as well as homeless shelters. The state has signed up more than 850,000 Oklahomans with its vaccine scheduling portal.

“In addition to increased supply, our overlapping approach to the distribution plan has helped us successfully reach as many Oklahomans as possible in a short period of time,” Reed said. “If you are eligible and ready for the COVID-19 vaccine, we encourage you to get it right away to protect yourself and others from COVID-19.”

Reed said more than 1.18 million COVID-19 vaccines have been administered in Oklahoma, with more than 426,000 residents getting both doses of the Pfizer or Moderna vaccines. About one-third of the state’s population older than 16 has had at least one dose. The totals include the vaccine shipments sent to the state, tribal nations, and federal facilities like the Veterans Administration.

As the vaccine rollout continues, the state continues to see a downward trend in cases and hospitalizations. On Friday, the state recorded 427,558 confirmed cases since the first reported case a year ago. The seven-day moving average of new daily cases was 648, down from 811 a week ago. Hospitalizations for COVID-19 fell below 400 daily this week, a level not seen since last July. Those daily hospitalizations peaked near 2,000 a day in early January.

[Bill to Roll Back Aspects of Oklahoma Criminal Justice Reform Advances](#)

A bill that would modify State Question 780, a 2016 voter-approved ballot initiative that reclassified several drug and property offenses from felonies to misdemeanors and has helped reduce Oklahoma’s prison population, has advanced past committee and is eligible for a Senate vote.

Senate Bill 334, sponsored by Sen. Lonnie Paxton, R-Tuttle, would increase penalties against certain larceny offenders. The bill, which is co-authored in the House by Rep. Rande Worthen, R-Lawton, moved through the Senate Appropriations Committee last week.

Under current state law, if a person commits three or more property crimes over a 90-day period, the total value of the stolen goods can be combined to determine if the defendant should be charged with a felony or misdemeanor. If the total reaches or exceeds \$1,000, the punishment is enhanced to a felony. Senate Bill 334 would increase the calculating period from 90 days to one year.

Paxton did not respond to multiple requests for comment. In an interview with KOCO last week, Paxton said he had heard of cases where offenders were intentionally spacing out thefts to avoid a felony charge and drafted the bill based on recommendations from the National Retail Association.

“It’s not going to affect somebody who was just out of money at the end of the month and made a mistake,” Paxton, who chairs the Senate Public Safety Committee, told the news outlet. “That’s not the target here. The target is those people who are repetitive.”

Criminal justice reform advocates say this bill would target low-level, economically disadvantaged offenders who don’t deserve a felony conviction or prison time. They argue that nearby Texas and Kansas, which have lower calculating periods and higher thresholds for raising misdemeanor larceny to a felony, haven’t seen a substantial increase in thefts.

“We are often talking about people who are literally trying to steal enough food to survive, or safely care for their families at a time when we are seeing higher rates of unemployment and more people at risk of eviction,” said Nicole McAfee, director of policy and advocacy for the ACLU of Oklahoma. “Our response shouldn’t be further criminalization, but instead seeing how we can provide folks with the support that they need.” Oklahoma State Bureau of Investigation data shows that total larceny offenses have trended downward in recent years. In 2019 there were 70,776 larceny offenses, down from 73,917 in 2016.

Two other bills that would have modified State Question 780 cleared committee failed to advance. Senate Bill 814, sponsored by Sen. Michael Bergstrom, R-Adair, would have increased penalties against drug possession offenders with multiple, non-marijuana related convictions. Senate Bill 670, by Sen. Casey Murdock, R-Felt, would have made drug possession or distribution within 1,000 feet of a school a felony punishable by up to five years in prison, with some exceptions. Under current law, there is no special enhancement for drug possession and distribution near a school.

Kris Steele, executive director of Oklahomans for Criminal Justice Reform and former House speaker, said legislative efforts to modify State Question 780 go against the will of the people. “It’s clear that the people of our state understand that a person battling mental illness and addiction ought to be viewed as a patient, not a prisoner,” Steele said.

Oklahoma’s prison population has dropped considerably since State Question 780 was implemented. There were 21,643 inmates in state custody on March 1, down from 28,003 in March 2016, according to corrections department data. Experts credit the ballot initiative, other successful reform efforts and disruptions to the court system caused by the COVID-19 pandemic as primary contributors to the decline. Oklahoma now has the nation’s third-highest imprisonment rate, behind Louisiana and Mississippi.

For the past four years, state lawmakers have attempted to roll back portions of State Question 780 with no success. But justice reform advocates worry that a high profile murder case involving a recent commutation recipient could sway the legislature towards enacting tough on crime policies.

Lawrence Paul Anderson, 42, of Chickasha was charged Feb. 23 with three counts of first-degree murder. On or around Feb. 9, investigators say Anderson forced his way into the home of Andrea Lynn Blankenship, 41, killed her and then cut out her heart. Hours later, authorities say Anderson killed his 67-year-old uncle, Leon Pye, and Pye's four-year-old granddaughter, Kaeos Yates. He also attacked his aunt, Deslie Pye.

Anderson, who had been serving a 20-year sentence for probation violation in a drug case, was released from prison in January after Gov. Kevin Stitt approved a commutation recommendation from the state Pardon and Parole Board. The governor's office has requested that the OSBI investigate the circumstances surrounding Anderson's release. In a press conference held after Anderson's arraignment, Grady County District Attorney Jason Hicks said this case proves that state officials have released too many prisoners at the cost of public safety. "If we have the highest incarceration rate in the world, okay, we can look at our citizens and be honest with them and tell them that you're safe," Hicks said.

Commutations have risen considerably in recent years as Stitt has encouraged the Pardon and Parole Board to consider more cases. The board in 2020 recommended commutation for several hundred prisoners, a stark increase from 2017, when just 16 inmates were granted early release. McAfee said this case stands out as an outlier and that many commutation recipients are able to reenter society and become productive citizens. While no data on recidivism rates for Oklahoma commutation recipients is available, a 2019 Tulsa World review found that few Fallin-era commutation recipients reoffended.

"I think that prosecutors have always used exceptions rather than norms to drive fear and to push their agendas," she said. "That same prosecutor [Hicks] didn't express any of those concerns or speak out in the commutation process against that particular commutation." Steele said he is confident the incident won't sway the legislature away from bills that would restrict sentence enhancements and expand medical parole.

"While this situation is horrific, and I don't want to minimize that in any way, I do believe that it is absolutely the exception and not the rule," Steele said. "This should not prevent us from continuing to introduce and incorporate and implement evidence-based policy."

[Bill Would Alter College Savings Plan](#)

A bill that proposes to expand allowable expenses under the Oklahoma 529 College Savings Plan has passed in the Oklahoma House of Representatives and advanced to the Senate. Passage of House Bill 1962, authored by state Rep. Jadine Nollan, R-Sand Springs, would align Oklahoma with the federal government in terms of language used to define savings plans.

"Oklahoma's college savings plan already is terrific," Nollan said. "But we want to make sure Oklahoma students have the same opportunities as students in other states when it comes to how they are allowed to use this money."

Nollan said the bill was a request bill by state Treasurer Randy McDaniel. She explained that the federal government expanded the definition of allowable uses under Section 529 of the Federal Tax Code over the past few years. Funds currently can be used for tuition, supplies, and room and board at accredited colleges, universities, career technology centers, and business schools. The federal government already has made a shift to allow for use of 529 funds to cover costs of apprenticeships or pay up to \$10,000 in student loan debt.

“The recommended changes help ensure the lasting success of a program focused on increasing the number of college graduates, while reducing burdensome student debt,” McDaniel said in a statement. “I encourage families to invest in their children’s future education and prosperity by contributing to the Oklahoma College Savings Plan.”

[Jech’s Election Measures Win Approval in Senate](#)

Senator Darcy Jech’s two proposals meant to help further secure Oklahoma’s election system passed the Senate on Thursday. Senate Bill 710 would have the state join the Electronic Registration Information Center (ERIC). Senate Bill 712 allows the use of electronic poll books. Jech says that both measures would help provide another layer of security and efficiency to Oklahoma’s elections.

ERIC is a multi-state partnership which shares information to enhance the accuracy of voter registration lists. Thirty states belong to the partnership. “Oklahoma already has one of the best election systems in the nation, but these measures will further strengthen and modernize that system,” Jech said. “It’s important that we maintain an accurate voter database and encourage eligible voters to participate in our election process. Joining ERIC would benefit all Oklahoma voters by ensuring our elections are safe, accurate, and everyone who wishes to participate is able.”

Electronic pollbooks would provide more efficient way to check in voters at the polls on election day. “Using electronic polls reduces the risk that a voter is issued the wrong ballot or signs the wrong line on the precinct registry, not to mention creates an efficiency for all voters at the polls,” Jech said. “By utilizing this technology, voters who try to check-in at the wrong polling place can be more efficiently directed to their correct polling place, reducing confusion, frustration and the need for provisional ballots.”

Both bills move to the Oklahoma House.

[Lawmakers Seek to Nullify Federal Gun Limits](#)

With Democrats controlling the presidency and Congress, Republican state lawmakers concerned about the possibility of new federal gun control laws aren’t waiting to react. Legislation in at least a dozen states, including Oklahoma, seeks to nullify any new restrictions, such as ammunition limits or a ban on certain types of weapons. Some bills would make it a crime for local police officers to enforce federal gun laws.

That can create confusion for officers who often work with federal law enforcement, said Daniel Isom, a former chief of the St. Louis Police Department who is now a senior adviser for Everytown for Gun Safety. Federal law plays a big role in some areas, such as keeping guns

away from domestic violence offenders. Putting local officers in a position to decide which laws to enforce is the last thing police need at a time when cities such as St. Louis are experiencing a rise in violent crime, Isom said.

“This has been an extremely challenging year for both communities and law enforcement, and to ask any more mental strain on officers at this point in time seems to be quite displaced,” he said. Gun sales also have set monthly records nationwide since the coronavirus pandemic took hold. Isom is concerned about a Missouri measure passed by the state House that would allow police departments with officers who enforce federal gun laws to be sued and face a \$50,000 fine. It’s not the first time Missouri has considered such a bill, but supporters pointed to President Joe Biden taking office as a reason to pass it now.

In Utah, Republican Rep. Cory Maloy also referenced the incoming administration after the state House passed his bill with a similar provision forbidding the enforcement of federal gun laws. Many Republican state lawmakers see attempts to pass federal firearms restrictions as a threat to the Second Amendment. Several states passed similar laws under then-President Barack Obama, but judges have ruled against them in court.

That hasn’t stopped state lawmakers who want to make the first move to protect gun rights in their states. Federal nullification bills have been introduced in more than a dozen states, including Oklahoma, Alabama, Arkansas, Nebraska, South Carolina, Tennessee, Wyoming, New Hampshire, North Dakota, South Dakota, West Virginia, and Iowa. In Texas, the governor has called for the state to become a Second Amendment sanctuary.

In Arizona, a Senate proposal that passed the chamber on Wednesday would allow officers to be sued for enforcing federal gun restrictions that the state considers violations of the Second Amendment. They potentially could face criminal charges. A bill in the House doesn’t include those punishments, but its sponsor, Republican Rep. Leo Biasiucci, said it would be a clear rejection of federal restrictions on assault-style weapons, high-capacity magazines, or other firearms.

“They can do that at a federal level, but in Arizona it’s not going to fly,” he said. In February, the National Rifle Association’s Institute for Legislative Action reported on various bills addressing firearms in Oklahoma. They ranged from House Bill 2475, which would prevent the use of public funds from being used to advocate against the Second Amendment, to Senate Bill 443, which would allow for individuals with Self Defense Act licenses to carry firearms inside the state Capitol. Another measure, Senate Bill 767, would allow for designated SDA-licensed school personnel to carry firearms for self-defense while on school grounds.

[Oklahoma House Passes Data Privacy Bill](#)

Data privacy legislation passed Thursday by the Oklahoma House of Representatives includes an “opt-in” provision that would require social media and telecommunications companies to obtain explicit agreement from individuals before harvesting their information. House Bill 1602, by Rep. Collin Walke, D-Oklahoma City, is opposed by several loud industry voices and the Oklahoma State Chamber of Commerce but has almost 40 House co-authors. It passed Thursday 85-11.

As explained by Walke, the bill has four major components:

- Each person’s right to know what data individual companies have gathered,
- To whom it’s been sold,
- The right to have the data deleted. The right to opt out of future data collection.
- An opt-in requirement, beginning in 2023, allowing the sale of data only if the person involved agrees. Walke said the first three of those is included in the policy statements of many companies that collect and sell data but which are not always followed.

In its present form, HB 1602 would apply only to companies with at least \$10 million in gross revenue or that derive more than 25% of their revenue from the sale of data. Globally, the data market is estimated at \$170 billion annually and growing rapidly. Walke and his co-author, Rep. Josh West, R-Grove, said individuals from whom that data is gleaned should have more say in how it is used and by whom.

“As of right now, you don’t know what information Facebook has on you,” Walke said. “You don’t know what information your Roomba has on you. You don’t know what information Amazon has on you. This gives you the right to do that.” West said he and Walke have been working on the bill for a year and a half. “When we started, we didn’t know where the data was going — and we still don’t,” West said. “I understand the businesses don’t want 50 different state laws, but the federal government is not doing anything. Maybe if a few more states do something like this it will cause some action on the federal level.

“It’s pretty clear to me people don’t think companies or foreign countries should have your data without your consent,” West said. Rep. Mark Lepak, R-Claremore, said the situation is “not as easy as it sounds” and predicted that the state will find it impossible to regulate data harvesting and that the public will pay higher prices for telecommunications services. “I’m just telling you, legislation and regulation will never keep up with what we’re doing in a technical environment, and particularly this industry,” said Lepak, who worked in telecommunications for more than 35 years before retiring.

“I will submit we will see results we don’t like,” Lepak said. “We will see costs increase in ways we don’t understand.” HB 1602 now goes to the Senate, where Walke said he expects changes. If so, it will have to win approval again in the House.

[Oklahoma Lawmakers Introduce Non-Traditional Abortion Bills](#)

Optimistic in light of the U.S. Supreme Court’s political shift, conservative Oklahoma lawmakers are pushing for laws to further restrict abortion access. Legislators have sponsored more than a dozen abortion bills for the 2021 session. Members introduced a bill that would ban abortion after a doctor can detect a fetal heartbeat — usually around six weeks, when many women don’t yet know they’re pregnant. Another bill would restrict which doctors can perform the procedure.

One “trigger bill” would automatically ban abortion in the state if the U.S. Supreme Court overturned or altered *Roe v. Wade*, the 1973 landmark opinion that established a woman’s right to have an abortion. On Jan. 21 — one day before *Roe v. Wade*’s 48th anniversary — Senate

President Pro Tem Greg Treat, R-Oklahoma City, filed the measure. The shift in the U.S. Supreme Court didn't prompt the introduction of the anti-abortion bills, but it did ignite more optimism among Oklahoma lawmakers, Treat said. "Obviously, there are some of us that have more hope going into it, but it has not driven us filing these bills or pursuing these policies," Treat said during a media availability last week. "This is just what we have done for a very long time."

Under the Trump Administration, the U.S. Supreme Court shifted to a conservative majority. Republican officials and anti-abortion rights groups have long pushed for a conservative court to effectively overturn *Roe v. Wade* and restrict access to abortion in Oklahoma. Constitutional challenges to state-level abortion bills — such as the ones Oklahoma is considering — could work their way to the nation's highest court, creating an opportunity for the court to change course on *Roe v. Wade*.

Similarly, justices appointed by Democratic governors held a majority on the Oklahoma Supreme Court for decades. Throughout that time, the Court has consistently overturned the Legislature's abortion restriction bills. However, with Justice Tom Colbert's retirement announced in early 2021, the makeup of that court is shifting as well. Gov. Kevin Stitt has started the Supreme Court appointment process and is awaiting recommendations from the Judicial Nominating Commission, according to a spokesman for the office.

Another justice is expected to retire in the near future. That could be the break Republicans need to take their first majority of the state Supreme Court, said Connor Alford, a political science instructor at Southeastern Oklahoma State University. "It will depend on who they select, but it is an opportunity to basically go from an era in our state's history where the left had complete control over the court, to a point where the right now has a genuine opportunity in the next few years to change that drastically," Alford said.

Although a conservative U.S. Supreme Court could be more favorable to anti-abortion legislation, Alford said to take that with a grain of salt. Federal Republican judicial nominees have held majorities for long stretches since *Roe v. Wade*, but they haven't overturned it. In fact, they were instrumental in the case. "Actually, six of the seven justices who voted for abortion were Republican appointees," Alford said of *Roe v. Wade*. Just days after Oklahoma's legislative session started last month, abortion came front and center. Crowds of maskless anti-abortion rights activists filled the state Capitol in early February and heckled lawmakers, who were flanked by armed guards as they exited a Senate Health and Human Services Committee.

The committee, in its first hearing since the pandemic started, heard six anti-abortion bills, which accounted for a third of the bills considered that day. Committee members passed five of the abortion bills, but unanimously rejected one that would classify abortion as homicide. That measure would have punished not only physicians performing abortions, but also patients who undergo the procedure. Abortion rights advocates say the proposed bills are meant to scare women out of accessing abortion or make them believe they cannot access it. The shift in the U.S. Supreme Court has emboldened state lawmakers to advocate for abortion bans at a "really quick pace," said Gloria Pedro, Planned Parenthood Great Plains Votes' regional manager of public policy and organizing for Arkansas and Oklahoma.

“We are seeing these fights play out in states all across the nation, so yes, it’s happening in Oklahoma, and it’s super crazy but it’s also not an isolated incident,” Pedro said. “So that just lets us know the time to keep the pressure on is now.” In Oklahoma, which has some of the strictest regulations on abortion in the U.S., women must first receive a sonogram and wait at least 72 hours before the procedure. Most abortions in Oklahoma are banned after 20 weeks. There were four clinics in Oklahoma performing abortions in 2017, and only three of the state’s counties had a clinic, according data from the Guttmacher Institute, a national research and policy organization that supports abortion rights.

In 2019, 4,424 abortions were performed in the state, a 27 percent decrease from 2009 when there were 6,044, according to data from the Oklahoma State Department of Health. At a committee hearing on Feb. 24, Todd Russ, R-Cordell, who authored the “heartbeat bill,” said the legislation would put Oklahoma in a better position to restrict abortion. Rep. John Waldron, D-Tulsa, asked Russ if the measure could undermine *Roe v. Wade* and noted his concern that women might be unaware they’re pregnant so early.

“Well, whether they know they’re pregnant or not, I’m pretty sure they know they could be,” Russ said. Russ said the bill didn’t challenge *Roe v. Wade* directly.

The bill also contains language that would require physicians to provide those seeking medication-induced abortions information about reversing the medication’s effects — information that critics say is misleading, unscientific, and potentially dangerous. One proposed law would prohibit Planned Parenthood from receiving any public funds. Another bill aims to limit who can perform abortions, requiring that the procedure only be performed by medical doctors who are board certified in obstetrics and gynecology.

That measure was one of the first abortion bills to make it to a full floor hearing. The House considered it this week and debated it for over an hour. Supporters heralded the measure to protect women who undergo abortions, referring to the procedure as morally incorrigible throughout. Lawmakers opposed to the measure have said it would reduce access to the procedure and questioned its constitutionality. Rep. Cynthia Roe, R-Lindsay, one of the bill’s authors, said similar bills have survived court challenges in other states.

South Carolina has such a law in effect, but similar measures in Arkansas and Louisiana have been paused pending court challenges. “If we can save one life with this legislation then we’ve done our job,” Roe said on Tuesday. Tamyra Cox-Touré, Oklahoma Call for Reproductive Justice Co-Chair, said the proposed measure is an attempt to ban abortion. “We’re really concerned about that. Any time the Oklahoma legislature tries to remove access, it negatively impacts people of color and negatively impacts people of lesser means, and that is a problem for us,” Cox-Touré said.

Minority Leader Emily Virgin, D-Norman, said if lawmakers want to improve women’s health, they should place their resources in other areas, such as providing comprehensive sex education and expanding access to paid family medical leave. “If you truly want to decrease the number of abortions that take place in this state there are proven strategies to do so. But time and again this body fails to take those policies up,” Virgin said on Tuesday.

[Senate Approves Bill Allowing Teachers to Opt out of OEA, AFT Dues](#)

Senate Bill 634 would require school districts to ask employees once a year if they want to continue to have association dues deducted from their paychecks. Author Senator Julie Daniels calls it a First Amendment issue.

Daniels wrote the bill in the wake of the Janus vs. AFSCME court decision. That decision requires employers to fully inform employees of their rights on a regular basis giving them a chance to opt out of paying dues. Evidence of consent by the employee is required. The Bartlesville Senator is applying that court decision's logic to teachers and the Oklahoma Education Association (OEA) and the American Federation of Teachers (AFT).

“Included in our First Amendment free speech rights is a right not to be compelled to support speech with which we disagree. Since groups like the OEA, AFT and their national organizations are engaged in a variety of political activities, this reauthorization reminds employees of this aspect of their free speech rights,” said Daniels.

The Senate approved the measure Thursday.

SB 634 is now eligible for consideration in the House.

[State Pays out \\$4.4 billion in Unemployment Claims](#)

The Oklahoma Employment Security Commission has paid out \$4.4 billion in unemployment claims since last March — more than \$1 billion more than the agency distributed the entire last decade. The amount is nearly \$1.5 billion more than the previous 10 years combined, state officials said Thursday. “Since I joined the agency in May 2020, we’ve placed top priority on improving our services for both employees and employers with a focus on ensuring we are helping Oklahomans in need,” said Shelley Zumwalt, OESC executive director.

“In the past year, OESC has paid out more in unemployment claims than in the entire previous decade, which was extremely challenging considering the unprecedented number of claims we were processing using 40-year-old technology. “Our dedicated team members continue to come up with innovative solutions to overcome the challenges,” she said. “Although our state has seen a decline in continued unemployment claims since last June, I recognize that our focus on transforming our digital systems and overall processes must continue so we can better serve our claimants and employers across Oklahoma.”

First-time jobless claims in Oklahoma declined 2% last week compared to revised figures from the week prior, according to a government report. The U.S. Department of Labor reported Thursday that 5,838 initial-claims for unemployment benefits were filed by Oklahoma workers the week ending Saturday. The number of claims filed last week is 143 fewer than filed the week ending Feb. 20, according to revised, unadjusted figures. Meanwhile, 29,906 individuals filed continued claims during the week ending Saturday, or about 15% fewer than the 35,118 who filed the prior week, according to revised figures. Continued claims are those filed after one week of unemployment.

The four-week, moving average of continued claims in the state declined for the 36th consecutive week. Claims for Pandemic Unemployment Assistance, the federal temporary

program for gig workers and the self-employed, increased by 139 claims, from 410 the week ending Feb. 20 to 549 the following, most recent week. Continued PUA claims declined from 18,551 the week ending Feb. 6 to 18,178 the following week. Nationally, 745,000 workers filed initial claims last week, which is 9,000 more than were filed the prior week.

2. GENERAL CORRESPONDENCE / NOTIFICATION



For Immediate Release

Date: March 11, 2021

Contact: Jennifer Swezey

918-607-8921 | jswezey@brokenarrowok.gov

CBA Release No. 21-07A

Update March 11, 2021

Based on the response from the community and availability of vaccine supplies, the City of Broken Arrow is extending the COVID-19 vaccination clinic schedule. The original clinic started February 16 and was scheduled to have four (4) weeks of first round shots followed by four (4) weeks of second round shot appointments.

We will now extend appointments for first round shots for at least an additional week (week of March 15). Next week's appointments will be loaded on Friday, March 12. Please watch our website for weekly updates on schedules and availability. We will continuously evaluate the demand and resource availability, while working with Passport Health to adapt the size and duration of the event.

Reminder: the clinic is open to anyone who meets the current state vaccination phase requirements. Appointments are required and must be made in advance on the Passport registration website. Appointment dates for each week of the clinic will be loaded to the portal the preceding Friday at 9:00am.

Residents who wish to sign up for vaccines (first or second round shot) may do so through the online Passport Health portal. This website is not part of the State of Oklahoma vaccination portal.

Updated Program Details:

Location: Public Safety Complex (indoor classrooms, located off front lobby)

Address: 1101 N. 6th Street, Broken Arrow, OK 74012

Time: 9:00am to 3:00pm, Monday through Thursday

City of Broken Arrow COVID-19 resource site: www.brokenarrowok.gov/coronavirus

Direct Portal Registration: [Link](#)

City of Broken Arrow opens first COVID-19 vaccine clinic *Fire Department partners with Passport Health*

Broken Arrow, Okla. - On February 16, 2021, the City of Broken Arrow will open the first local COVID-19 vaccination site in Broken Arrow. The clinic, in partnership with Passport Health, will be held at the Public Safety Complex every week, starting February 16th through April 8th, from 9:00am to 3:00pm, Monday through Thursday (excluding City holidays). Please note, February 15th is a City Holiday.

The clinic is open to anyone who meets the current state vaccination phase requirements. Appointments are required and must be made in advance on the Passport registration website. Appointment dates for each week of the clinic will be loaded to the portal the preceding Friday at 9:00am.

“The City Council and Administration is happy to provide such an important initiative to the Broken Arrow community, for residents who wish to get vaccinated,” said Mayor Craig Thurmond. City officials have been working with the State of Oklahoma to find options for Broken Arrow vaccination sites, Thurmond added.

The initial goal will be to vaccinate 125/per day for the first four weeks (2,000 total), and then to provide the second dosage to those same recipients in weeks 5-8. We will continuously evaluate the demand and resource availability, while working with Passport Health to adapt the size and duration of the event.

Fire Chief Jeremy Moore said, “Our firefighters and paramedics have been on the frontlines responding to the pandemic since the beginning. Now, we are excited to partner with Passport Health to take an active role in preventing the spread of COVID-19 in our community. Just as we work to prevent fires in our community, this new vaccine distribution clinic will help us slow the spread of this illness throughout Broken Arrow.”

Residents who wish to sign up for vaccine may do so through the online Passport Health portal. This website is not part of the State of Oklahoma vaccination portal. This Friday will be the initial date the portal opens.

Program Details:

Location: Public Safety Complex (indoor classrooms, located off front lobby)
Address: 1101 N. 6th Street, Broken Arrow, OK 74012

Dates: Feb. 16 through April 8, Monday through Thursday
Time: 9:00am to 3:00pm
Registration: [Link](#)

City leaders will be available on site February 16th for interviews.

Residents are encouraged to follow all CDC recommended safety measures to slow the spread of COVID-19: Wash your hands often, avoid close contact with others, wear a mask when around others, cover coughs and sneezes, clean and disinfect surfaces daily, and monitor your health daily. For more information on COVID-19 resources in Broken Arrow, please visit www.brokenarrowok.gov/coronavirus

###

Located in northeast Oklahoma, Broken Arrow is the fourth largest city in the State of Oklahoma, with an estimated population of over 113,000 people spread out over 61 square miles. The City of Broken Arrow operates under a Council-Manager form of government with over 800 employees. Broken Arrow is home to the third largest manufacturing hub in the state, with many employees working in the energy sector. Residents in Broken Arrow enjoy a high quality of life, characterized by low crime, high performing schools, affordable housing and easy access to many parks and recreational facilities. The City of Broken Arrow sets the standard by providing the best municipal programs and services.

Passport Health Oklahoma is a physician owned immunization clinic that assists in community vaccination programs for schools, churches, businesses, and other community groups.

For Immediate Release

Date: March 10, 2021

Contact: Jennifer Swezey, City of Broken Arrow

918-607-8921 | jswezey@brokenarrowok.gov

CBA Release No. 21-11

Revised 12:25pm

Hillside Drive reopens in Broken Arrow

The roadway linking 2 commercial areas has been closed since May 2019 severe storms

The City of Broken Arrow is pleased to announce that Hillside Drive between Hobby Lobby and Los Cabos/Charleston's restaurants will reopen today. The roadway was closed back in May 2019 after massive spring rains caused the retaining wall adjacent to the road to shift, creating a hazard to the public.

Since the wall was severely damaged as part of the spring 2019 rainstorms, reconstruction of the wall cost the City about \$1.98 million. As a result, City staff pursued reimbursement from FEMA and learned last week it will be granted a 75 percent share or about \$1.48 million for the work, *pending final approval from Congress*. The City is continuing to work with the State of Oklahoma for another partial reimbursement of twelve and half percent of the project costs.

"We are very excited to reopen Hillside Drive to traffic," said City Manager Michael Spurgeon. "This is an important street that connects two of our largest commercial areas. I want to thank all the business owners and residents in the area that have been waiting patiently for it to reopen. It was unfortunate we had to close it, but in the interest of public safety it was the best decision at the time."

Demolition and reconstruction of the retaining wall was completed in January. Crews from the City's Streets and Stormwater Department then moved in to repair the roadway. Winter weather in February delayed their efforts slightly, but the street will be open in time for spring break traffic.

"I have to thank the tireless efforts of our Emergency Manager Jamie Ott and Construction Division Manager Timothy Robins for their determination to receive FEMA reimbursement for this very important project," Spurgeon said.

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PRESS RELEASE

by low crime, high performing schools, affordable housing and easy access to many parks and recreational facilities. The City of Broken Arrow sets the standard by providing the best municipal programs and services.



For Immediate Release

Date: March 5, 2021

Contact: Lesa Jones, City of Broken Arrow

918-259-2400 Ext. 5436 | email ljones@brokenarrowok.gov

CBA Release No. 21-10

Broken Arrow cuts ribbon on Adult Softball Complex

Challenger Sports Complex ready to welcome teams

Broken Arrow, Oklahoma: It's time to open a new sports complex in Broken Arrow! The BA community is invited to an Open House and Ribbon Cutting Ceremony **on Saturday, March 13th**, at the City's brand new Challenger Sports Complex. The adult softball facility is located near the Broken Arrow Events Park, just east of the Creek Turnpike off New Orleans Street, at 3201 S. 41st Street.

"Today is an incredible day and opportunity for the Broken Arrow community! The recreational sport of slow-pitch softball continues to grow, and now BA has two of the premier places to play in the region - Challenger and Indian Springs complexes," noted City Manager Michael Spurgeon. "The new Challenger complex, combined with Indian Springs, will serve as an economic driver, especially on weekends, as teams from all around the area and Midwest will travel to BA to play and, while doing so, frequent many of our great businesses and hotels," Spurgeon added.

This state-of-the-art ballpark, built with voter-approved 2014 and 2018 General Obligation Bonds, features four competition-grade adult softball fields with synthetic turf, warning tracks, and TifTuf Bermuda outfields. The jewel of the complex is a Miracle Field designed for adaptive use comprised of all synthetic turf surfaces to serve people with physical or mental disabilities that would normally exclude them from conventional sports. The facility has sprawling connective sidewalks connecting all of the fields to the parking facility, complete with 193 parking stalls and six handicap spaces.

"We are excited to see a state-of-the-art adult softball complex come to fruition in Broken Arrow," Parks and Recreation Director Matt Hendren said. "The park will draw adult softball enthusiasts both locally and regionally, but the cherry on the sundae is the adaptive field. It is my hope that the adaptive field will play a significant role in the greater Broken Arrow area to make a difference in the lives of others."

The cost of the 20-acre facility is \$6,968,539, and Builders Unlimited, Inc. served as the contractor on the project. Each field has its own masonry backstop and nylon mesh netting with Home and Visitors matching dugouts. There is a concessions building facility with men's and women's bathrooms, an umpire's breakroom, management offices, and a dining area.

“There’s something cracking off the bat of every pitch...that feeling, that smell, that energy, and anticipation of Spring Training in the air,” said Brad Gordon, the Board President and Director of Operations for Broken Arrow Adult Softball, who will operate the leagues and tournaments at the complex. “We want this to be a fun and exciting ceremony for everyone on March 13th!”

On the day of the event, in addition to the Open House and ribbon-cutting ceremony, an umpire training will be held in the morning, followed by a 5x5x5 tournament and a Homerun Derby. See you there!

BA Adult Softball is offering Men’s, Coed, Church, Ladies and Senior Leagues! The first tournament is March 20th & Spring Leagues kick off March 30th. Visit their websites at ChallengerSoftball.com or BAadultSoftball.com for more details.

EVENT: Challenger Sports Complex Open House and Ribbon-cutting Ceremony

DATE: Saturday, March 13, 2021

TIME: Ribbon-cutting at 12 p.m.; Open House from 1 p.m. – 5 p.m.

ADDRESS: 3201 S. 41st Street, Broken Arrow, OK 74014

Please note: the street address may not load properly in mobile device maps due to the newly created address. To find the complex, continue east on New Orleans Street (E. 101st Street) past the Creek Turnpike and the Events Park entrance to S. 41st Street and turn left (north).

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INTEROFFICE MEMO

To: Honorable Mayor and City Councilors
From: Jennifer Swezey, Communications & Media Relations Manager
Date: March 12, 2021
Re: Recent Media Coverage

Below are some links to recent news coverage in Broken Arrow.

<https://ktul.com/news/local/hillside-drive-reopens-in-broken-arrow>

<https://www.fox23.com/news/local/broken-arrow-city-council-passes-mask-resolution/ZFLJ6FCFCBGLVDSIDDMEIRXTYQ/>

<https://www.krmg.com/news/local/hillside-drive-broken-arrow-reopens-wednesday/IMYD33IHWZCCLKO3YL3XQI4F2Q/>

<https://www.krmg.com/news/local/broken-arrow-replacing-40-year-old-fire-station-elm-street/XQY27U4YDFB23MJFKEDHUVEN7U/>

<https://www.krmg.com/news/local/broken-arrow-launches-live-job-postings-websites/UAUS5NI3GVB37FI67RAY6MJDUM/>

Respectfully submitted,

Jennifer Swezey

3. SPECIAL EVENTS / ACTIVITIES

