

# Senate Journal

## First Regular Session of the Fifty-ninth Legislature of the State of Oklahoma

**Fifty-second Legislative Day, Monday, May 8, 2023**

The Senate was called to order by Senator Howard.

Roll Call:

Present: Alvord, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, Dossett, Dugger, Floyd, Garvin, Gollihare, Green, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Matthews, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Prieto, Pugh, Rader, Rogers, Rosino, Seifried, Standridge, Stephens, Stewart, Thompson (Kristen), Thompson (Roger), Treat, Weaver, Woods, and Young.—46.

Excused: McCortney and Stanley.—2.

Senator Howard declared a quorum present.

The prayer was offered by Senator John Haste.

### **FIRST READING**

The following was introduced and read the first time:

**SR 17** – By Treat.

A Resolution commemorating May 2023 as Jewish American Heritage Month; and honoring the contributions of the Jewish people to the United States of America and the State of Oklahoma.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Daniels asked unanimous consent to refer **SR 17** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 17** by Treat was called up for consideration.

Senators Alvord, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, Dossett, Dugger, Floyd, Garvin, Gollihare, Green, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Prieto, Pugh, Rader, Rogers, Rosino, Seifried, Standridge, Stanley, Stephens, Stewart, Thompson (Kristen), Thompson (Roger), Weaver and Woods asked to coauthor **SR 17**, which was the order.

**SR 17** was adopted upon motion of Senator Daniels and referred for enrollment.

**MESSAGES FROM THE HOUSE**

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1596, 1962, 2315, 2416** and **2851**.

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later as follows:

**HB 1080**  
**HB 1368**  
**HB 1599**  
**HB 1600**  
**HB 1715**  
**HB 1758**  
**HB 1792**  
**HB 1798**  
**HB 1926**  
**HB 1977**  
**HB 2180**  
**HB 2236**  
**HB 2239**  
**HB 2281**  
**HB 2312**  
**HB 2359**  
**HB 2375**  
**HB 2398**  
**HB 2430**  
**HB 2456**  
**HB 2459**

**HB 2663**  
**HB 2742**  
**HB 2747**  
**HB 2787**  
**HB 2804**  
**HB 2869**

**EXECUTIVE NOMINATION**

The following executive nomination was read and referred to the committee indicated:

Victor, Jr., Samuel Grant, Afton, as a member of the Oklahoma Conservation Commission – Agriculture and Rural Affairs

Laws, John P., Edmond, as the Cabinet Secretary of Budget – Withdrawn from Appropriations and referred to Finance

**PENDING CONSIDERATION OF HAS**

**HAs to SBs 264, 368, 428, 484, 750, 813 and 1063** were rejected upon motion of Senator Daniels, conference requested, and Senate conferees to be named later.

Senator Daniels moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 9, 2023, at 9:30 a.m., which motion prevailed.

**MESSAGES FROM THE GOVERNOR**

Advising his approval May 5, 2023, of Enrolled **SBs 68, 93, 230, 235, 297, 354, 497, 537, 544, 557, 605, 619, 638, 650, 710, 754, 930, 939, 1040, 1046 and 1091.**

Advising his veto May 5, 2023, of Enrolled **SBs 535, 715 and 922.**

The veto messages read as follows:

May 5, 2023

The Honorable President Pro Tempore  
And Members of the Oklahoma Senate  
First Regular Session of the  
Fifty-ninth Oklahoma Legislature

**ENROLLED SENATE BILL NO. 535:**

Pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution, I have vetoed Enrolled Senate Bill 535.

Enrolled Senate Bill 535 mandates that the State Department of Health establish a certificate program for community health workers. As I understand it, the Department hired community health workers during the COVID-19 pandemic and paid them with federal emergency relief dollars.

The pandemic has waned, and taxpayers have grown weary of bloated government. The Department's workforce should reflect that.

For this reason, I have vetoed Enrolled Senate Bill 535.

By the Governor of the State of Oklahoma  
/s/ Kevin Stitt

May 5, 2023

The Honorable President Pro Tempore  
And Members of the Oklahoma Senate  
First Regular Session of the  
Fifty-ninth Oklahoma Legislature

**ENROLLED SENATE BILL NO. 715:**

Pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution, I have vetoed Enrolled Senate Bill 715.

Enrolled Senate Bill 715 would create ambiguities and allow courts to engage in arbitrary balancing related to highly sensitive information sought pursuant to the Open Records Act. As written, the bill authorizes an open court hearing to address confidential records and would not—as would be appropriate—allow for a court to conduct an *in camera* (private) review of records designated as confidential. Even if a court were able to privately review records withheld as confidential, the amendatory language would simply have courts balance public and private interests to determine whether to release sensitive personnel records to a third-party.

Then, although the amendment applies by explicit reference subsection B of Section 24A.17—a subsection that provides for mandatory attorney fees to successful plaintiffs—the amendatory language would provide courts discretion in awarding attorney fees against public bodies and would leave open the question of whether a public body would have any right to secure an award of reasonable attorney fees if forced to defend against a frivolous suit, as permitted by subsection C of Section 24A.17.

Simply put, Enrolled Senate Bill 715 is rife with issues and should not become law. To be clear, I stand for transparency backed by responsible processes and welcome dialogue about reforms to the Open Records Act, including, but not limited, to expanding it in a manner that would allow public access to records in other branches of government.

For these reasons, I have vetoed Enrolled Senate Bill 715.

By the Governor of the State of Oklahoma  
/s/ Kevin Stitt

May 5, 2023

The Honorable President Pro Tempore  
And Members of the Oklahoma Senate  
First Regular Session of the  
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**ENROLLED SENATE BILL NO. 922:**

Pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution, I have vetoed Enrolled Senate Bill 922.

Enrolled Senate Bill 922 would empower the Oklahoma Wildlife Conservation Commission to cap the percentage of tags issued for certain species to out-of-state hunters at ten percent (10%). As I understand it, the Commission rarely, if ever, issues more than ten percent (10%) of its tags for controlled hunts to out-of-staters, so this bill is really a solution in search of a problem.

Moreover, this bill is imprudent because it would likely put a damper on tourism, an important sector of our state economy, even if only unintentionally.

Simply put, this bill don't hunt.

For this reason, I have vetoed Enrolled Senate Bill 922.

By the Governor of the State of Oklahoma  
/s/ Kevin Stitt

Pursuant to the Daniels motion, the Senate adjourned at 1:55 p.m. to meet Tuesday, May 9, 2023, at 9:30 a.m.