

Senate Journal

First Regular Session of the Fifty-sixth Legislature of the State of Oklahoma

Forty-ninth Legislative Day, Tuesday, May 2, 2017

The Senate was called to order by Senator Dahm.

Roll Call:

Present: Allen, Bass, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Yen.—46.

Vacancy: Districts 44 and 45.—2.

Senator Dahm declared a quorum present.

The prayer was offered by Pastor Martin Dyer, Newsong Church, Grove, the guest of Senator Shaw.

INTRODUCTION

Senator Matthews introduced former Senator Judy Eason McIntyre, to the Senate.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 837** was adopted upon motion of Senator David.

SB 837 was read at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dugger, Fields, Fry, Griffin, Jech, Kidd, Leewright, Marlatt, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--39.

Nay: Dossett, Floyd, Matthews, Pittman and Sparks.--5.

Excused: Bass and Holt.--2.

Vacancy: Districts 44 and 45.--2.

The bill and emergency passed.

SB 837 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 838** was adopted upon motion of Senator David.

SB 838 was read at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dugger, Fields, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--40.

Nay: Dossett, Floyd, Matthews, Pittman and Sparks.--5.

Excused: Bass.--1.

Vacancy: Districts 44 and 45.--2.

The bill and emergency passed.

SB 838 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SBs 284, 342, and 615** were rejected upon motion of Senator Treat, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2348, 2357, 2358, 2361 and 2392.**

HB 2348 – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Sections 2358, as last amended by Section 1, Chapter 334, O.S.L. 2016 and 2368, as amended by Section 2, Chapter 28, O.S.L. 2016 (68 O.S. Supp. 2016, Sections 2358 and 2368), which relate to the Oklahoma Income Tax Code; modifying provisions related to standard deduction; prescribing standard deduction amounts; imposing requirements with respect to Oklahoma income tax return filing; imposing requirements with respect to certain resident individuals; imposing requirements with respect to nonresident individual income tax returns; and providing an effective date.

HB 2357 – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 1212, which relates to franchise tax procedures; modifying reinstatement fee amount for suspension of certain rights; providing an effective date; and declaring an emergency.

HB 2358 – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to the Motor Fuel Tax Code; amending 68 O.S. 2011, Section 500.22, which relates to deferral of motor fuel tax remittance by eligible purchaser; increasing remittance percentage basis after certain date; and providing an effective date.

HB 2361 – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to professional sporting event tickets; assessing fee; establishing fee amounts; requiring periodic remittance; requiring fees be deposited in certain fund; authorizing the promulgation of rules; defining term; providing for codification; providing an effective date; and declaring an emergency.

HB 2392 – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to agriculture; amending 2 O.S. 2011, Section 3-82, which relates to licenses for certain pesticide applications; modifying references; providing for penalty based on late filing of application; modifying provisions related to certain fees; modifying fee amounts; modifying portion of fees used for pesticide disposal; and providing an effective date.

The above-numbered measures were read the first time.

Advising fourth reading of and transmitting for signature Enrolled **HB 1760**.

The above-numbered enrolled measure was, after fourth reading, properly signed and ordered returned to the Honorable House.

Advising rejection of **SAs** to the following bills, requesting conference and naming House Conference Committee as follows:

HB 1110 – Conference Committee on Banking, Financial Services and Pensions

HB 1187 – GCCA

HB 1444 – Conference Committee on General Government Oversight and
Accountability

HB 1449 – GCCA

HB 1578 – GCCA

HB 1583 – Conference Committee on Government Modernization

HB 1707 – Conference Committee on Banking, Financial Services and Pensions

HB 1826 – Conference Committee on Judiciary – Civil and Environmental

HB 1853 – GCCA

HB 1868 – GCCA

HB 1925 – Conference Committee on Judiciary – Civil and Environmental

HB 2284 – Conference Committee on Judiciary – Civil and Environmental

HB 2286 – Conference Committee on Public Safety

EXECUTIVE NOMINATIONS

The following executive nominations were read and referred to the committee indicated:

Burris, Steven H., Yukon, as a member of the Oklahoma Real Estate Commission -
Business, Commerce and Tourism

Gillert, Thomas (Tom), Tulsa, as a member of the Oklahoma State Council for
Interstate Adult Offender Supervision - Judiciary

Inman, Reese Cody, Tulsa, as a member of the Oklahoma Educational Television
Authority - Education

Justice, Ronald G., Chickasha, as a member of the Oklahoma Liquefied Petroleum Gas
Board - Energy

Kennedy, Leticia, Chickasha, as a member of the State Textbook Committee -
Education

Lueb, Richard J., Edmond, as a member of the Oklahoma Uniform Building Code Commission - Business, Commerce and Tourism

McLaughlin, David L., Oklahoma City, as a member of the Board of Regents of the University of Science and Arts of Oklahoma - Education

Nelson, Jason, Oklahoma City, as a member of the Board of Juvenile Affairs - Health and Human Services

Pujari, Roshan, Nichols Hills, as a member of the Oklahoma Arts Council - Education

Randle, Ervin, Lawton, as a member of the Oklahoma Motor Vehicle Commission - Business, Commerce and Tourism

Stumblingbear-Riddle, Dr. Glenna, Norman, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Services

Tilly, Megan B., Oklahoma City, as a member of the Oklahoma Workers' Compensation Commission - Judiciary

Vance Ochs, Megan, Edmond, as a member of the Oklahoma Motor Vehicle Commission - Business, Commerce and Tourism

Vaught, Cheryl A., Oklahoma City, as a member of the Oklahoma Real Estate Commission - Business, Commerce and Tourism

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 837 and **838** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 3, 2017, at 1:30 p.m., which motion prevailed.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 185 - Coauthored by Goodwin

SB 342 - Coauthored by Young

SB 397 - Remove as author Senator Loveless; authored by Senator Newhouse

HCR 1001 - Coauthored by Nollan

MESSAGES FROM THE GOVERNOR

Advising her approval May 2, 2017, of Enrolled **SBs 17, 532, 632, 749** and **765**.

Advising her veto May 2, 2017, of Enrolled **SB 637**.

The veto message reads as follows:

May 2, 2017

To the Honorable President Pro Tempore
And Members of the Oklahoma Senate
First Session of the
Fifty Sixth Oklahoma Legislature

ENROLLED SENATE BILL NO. 637:

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 637.

Senate Bill 637 would create what the authors titled, “The Governor’s Transparency Act of 2017.” I continue to maintain the concerns I have voiced throughout the years with my messages on Senate Bill 346 in 2015, and Senate Bill 2080 in 2014.

Senate Bill 637 would require state agencies provide the relevant appropriate legislative committee with a copy of any Memorandum of Understanding or Agreement (MOU) entered into during that legislative session. This requirement does not exist for state agencies when the legislature is not in session.

The Bill also mandates state agencies publish a “detailed accounting” regarding every MOU within fifteen (15) days of an MOU’s effective date on the agency’s website and *documents.ok.gov* website. Despite the fact that every MOU which is the subject of this bill is already available through the provisions of the Oklahoma Open Records Act, Senate Bill 637 places an enormous administrative burden on these state agencies by requiring this lengthy and cumbersome accounting for every MOU, whether significant or insignificant. Senate Bill 637 imposes a burdensome and needless administrative mandate on state agencies, which diminishes a state agency’s ability to achieve its core mission and delays delivery of important services.

Consistent with my continued support of government transparency, I encourage all state agencies and entities, appropriated and non-appropriated, to post all significant MOU’s on their websites and to make them available to the public upon request, but I will not impose cumbersome reporting mandates. Such a requirement is not consistent with the principles of efficient and better government.

By the Governor of the State of Oklahoma
/s/ Mary Fallin

Pursuant to the Treat motion, the Senate adjourned at 2:25 p.m. to meet Wednesday, May 3, 2017, at 1:30 p.m.