

Senate Journal

Second Extraordinary Session of the Fifty-sixth Legislature of the State of Oklahoma

Seventeenth Legislative Day, Monday, March 26, 2018

The Senate was called to order by Senator Bice.

Roll Call:

Present: Allen, Bass, Bergstrom, Bice, Boggs, Brecheen, Brooks, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Ikley-Freeman, Jech, Kidd, Leewright, Matthews, McCortney, Murdock, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Rosino, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.—45.

Excused: Holt, Newhouse and Silk.—3.

Senator Bice declared a quorum present.

COMMUNICATION

The Executive Order issued by the Governor was read at length as follows:

EXECUTIVE DEPARTMENT FOURTH AMENDED EXECUTIVE ORDER 2017-43

To the Honorable Members of the Oklahoma House of Representatives and the Honorable Members of the Oklahoma State Senate:

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 7 of Article VI of the Oklahoma Constitution, hereby amend the call for the Second Extraordinary Session of the Fifty Sixth Legislature which convened at the State Capitol on Monday, December 18, 2017. I recommend the following amended subjects for the Legislature's consideration:

To provide additional revenue for state government.

The subjects recommended in this Fourth Amended Executive Order and the subjects previously recommended in the original Executive Order 2017-43 filed December 15, 2017, the Amended Executive Order 2017-43 filed December 18, 2017, the Second Amended Executive Order 2017-43 filed January 19, 2018, and the Third Amended Executive Order 2017-43 filed February 15, 2018, shall be considered cumulative, and all the listed subjects contained within the original call and the amendments filed thereafter are subjects recommended for consideration during the Second Extraordinary Session of this Fifty-Sixth Legislature as provided by Article VI, Section 7 of the Oklahoma Constitution.

Copies of this Fourth Amended Executive Order shall be distributed to every member of the Oklahoma House of Representatives, every member of the Oklahoma State Senate, the Clerk of the House of Representatives, the Secretary of the Senate, and the Director of the Office of Management and Enterprise Services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 26th day of March, 2018.

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

Attest:
/s/ Dave Lopez, Secretary Of State

MESSAGE FROM THE HOUSE

Advising the Honorable Senate pursuant to Article 5, Section 30 of the Oklahoma Constitution that the House grants the request of the Honorable Senate to the adjournment for more than three (3) days beginning Thursday, March 15, 2018 and continuing to the Call of the Chair.

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene at the Call of the Chair, which motion prevailed.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1010, 1011, 1013, 1014, 1015, 1016, 1018, 1023, 1024 and 1026.**

HB 1010 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; stating purpose pursuant to the authority provided in Section 57 of Article V of the Oklahoma Constitution; imposing additional tax levy upon cigarettes; specifying amount of additional levy; providing for apportionment of revenues; exempting levy from inclusion in determination of certain amounts; requiring certain collections and administration of levy; amending 68 O.S. 2011, Sections 402, 402-1 and 402-3, which relate to tax levies on tobacco products; providing that little cigars be taxed in the same rate and manner as cigarettes; clarifying language; imposing tax on gasoline and diesel fuel; establishing amount of tax on a per-gallon basis; requiring deposit of certain revenue, penalties and interest in certain fund; amending 68 O.S. 2011, Sections 1001, as last amended by Section 1, Chapter 5, 1st Extraordinary Session, O.S.L. 2017 and 1004, as last amended by Section 2, Chapter 355, O.S.L. 2017 (68 O.S. Supp. 2017, Section 1004), which relate to gross production tax; modifying rate imposed upon oil, gas or oil and gas; modifying exemptions and procedures related thereto; modifying apportionment of certain gross production tax revenues corresponding to gross production tax rate modification; enacting the Oklahoma Occupancy Tax Act; stating purpose of tax; defining terms; providing for rate of tax; imposing duty for remittance of tax and prescribing procedures related thereto; requiring Oklahoma Tax Commission to promulgate rules and to provide forms; providing for applicability of Oklahoma Sales Tax Code provisions and provisions of the Uniform Tax Procedure Code for administration of tax; requiring separate statement of tax amount; requiring payment by customers in same method as sales tax; providing for exemptions; providing for apportionment of revenues; repealing 68 O.S. 2011, Section 402-2, which relates to additional tax on tobacco products; providing for codification; and providing for noncodification.

HB 1011 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 2358, as last amended by Section 1, Chapter 235, O.S.L. 2017 (68 O.S. Supp. 2017, Section 2358), which relates to adjustments to Oklahoma taxable income and Oklahoma adjusted gross income; modifying provisions related to certain itemized deductions; imposing limitation on deduction amount; providing exceptions; and providing an effective date.

HB 1013 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to amusements and sports; amending 3A O.S. 2011, Section 262, as amended by Section 1, Chapter 115, O.S.L. 2017 (3A O.S. Supp. 2017, Section 262), which relates to state-tribal gaming; eliminating prohibition on certain types of gaming; prohibiting certain types of gaming; offering model tribal gaming compact supplement related to non-house-banked table games; defining terms; authorizing fees and seeding related to tribal administration of the games; providing model tribal gaming compact supplement and prescribing content thereof; prescribing procedures for electing acceptance of supplement; providing for certain construction of supplement; requiring payment of funds by tribes in certain amounts; allowing retention of funds by tribes in certain amounts; declaring certain conduct and participation lawful; amending 3A O.S. 2011, Section 280, which relates to offer of model tribal gaming contract; providing for apportionment of fees received by the state; providing for codification; and declaring an emergency.

HB 1014 – By Wallace, Casey, McEntire and Bush of the House and David and Fields of the Senate.

An Act relating to transportation funding; amending 69 O.S. 2011, Section 1521, as last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp. 2017, Section 1521), which relates to the Rebuilding Oklahoma Access and Driver Safety Fund; modifying calculation of certain annual apportionments under certain conditions; referencing additional apportionments; providing for deposit of certain funds in fund under certain conditions; amending 47 O.S. 2011, Section 1104, as last amended by Section 1, Chapter 272, O.S.L. 2017 (47 O.S. Supp. 2017, Section 1104), which relates to the apportionment of motor vehicle fees, taxes and penalties; modifying apportionments; providing certain amounts in excess of certain limits be credited to certain fund after a certain date; amending 68 O.S. 2011, Sections 500.6, as amended by Section 4, Chapter 375, O.S.L. 2013, 500.7, 704, 707.3 and 723, as amended by Section 8, Chapter 375, O.S.L. 2013 (68 O.S. Supp. 2017, Sections 500.6 and 723), which relate to apportionments of certain revenues; modifying destination fund for certain apportionments; providing for codification; providing an effective date; and providing for conditional effect.

HB 1015 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 500.10, which relates to exemptions from motor fuels tax; extending exemptions to additional tax levy; providing effective date; and providing for conditional effect.

HB 1016 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to health funding; creating the State Health Care Enhancement Fund; exempting fund from fiscal year limitations; identifying funding source; authorizing appropriations from fund for certain purpose; providing for codification; providing an effective date; and providing for conditional effect.

HB 1018 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to cigarette excise tax stamps; prohibiting sale of cigarette excise tax stamps to wholesalers in excess of certain amount; providing exception; providing for noncodification; and declaring an emergency.

HB 1023 – By Wallace, Casey and McCall of the House and David and Fields of the Senate.

An Act relating to teacher compensation; amending Section 3, Chapter 394, O.S.L. 2013, as last amended by Section 1, Chapter 59, O.S.L. 2017 (70 O.S. Supp. 2017, Section 18-114.14), which relates to minimum salary and benefits; modifying salary amounts; providing salary increases; requiring certain written notification and prescribing procedures related thereto; repealing Section 3, Chapter 394, O.S.L. 2013, as last amended by Section 1, Chapter 26, O.S.L. 2017 (70 O.S. Supp. 2017, Section 18-114.14), which relates to a duplicate version; providing for contingent effect; providing an effective date; and declaring an emergency.

HB 1024 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to state employee compensation; providing for salary increase for certain employees; specifying amount of salary increase; defining terms; providing salary increase to be provided to certain employee categories; providing for exclusion of certain employee categories; providing for pro rata reduction and prescribing methods related thereto; providing for contingent effect; providing for noncodification; providing an effective date; and declaring an emergency.

HB 1026 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to schools; providing for increase in compensation of certain support employees; prescribing amount of increase; providing increase in compensation as additional to certain other compensation and fringe benefits; providing for pro rata computation; providing for codification; providing an effective date; and declaring an emergency.

The above-numbered measures were read the first time.

Pursuant to the Treat motion, the Senate adjourned at 3:15 p.m. to meet at the Call of the Chair.

JOURNAL CORRECTION

Wednesday, March 14, 2018, Sixteenth Legislative Day of the Second Extraordinary Session, Page 1412, Line 22, add the following:

CHANGE IN AUTHORS/COAUTHORS

The following measure was authored/coauthored:

HB 1033 - Coauthored by Senator Thompson, Senator Schulz, Senator Bice, Senator Pemberton, Senator Dugger, Senator Sharp, Senator Griffin, Senator Quinn, Senator Fry, Senator Treat, Senator McCortney, Senator Smalley, Senator Simpson, Senator Yen, Senator Stanislawski, Senator Leewright, Senator Pederson, Senator Bergstrom