

# Senate Journal

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

Thirty-ninth Legislative Day, Tuesday, April 12, 2021

The Senate was called to order by Senator Coleman.

Roll Call:

Present: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.J.), Dossett (J.A.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.—47.

Vacancy: District 22.—1.

Senator Coleman declared a quorum present.

The prayer was offered by Pastor Bob Overton, Faith Assembly of God, Sallisaw, the guest of Senator Allen.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 3, 10, 28, 44, 45, 63, 76, 100, 122, 136, 137, 143, 228, 280, 448, 492, 568, 789, 844, 853 and 889** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 12** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**HBs 1060, 1061, 1062, 1875, 1876 and 2510** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1006** by Bush et al. of the House and Pugh of the Senate was called up for consideration.

Senator Pugh moved that **HB 1006** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1006** was read for the third time at length.

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

Aye: Allen, Boren, Brooks, Bullard, Burns, Coleman, Dahm, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--43.

Excused: Bergstrom, Daniels, Matthews and Simpson.--4.

Vacancy: District 22.--1.

The bill passed.

**HB 1006** was referred for engrossment.

**GENERAL ORDER**

**HB 1032** by Mize et al. of the House and Pugh and Bullard of the Senate was called up for consideration.

Senator Pugh moved to amend **HB 1032**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Pugh moved that **HB 1032** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1032** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks,

Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The bill passed.

**HB 1032** was referred for engrossment.

### **GENERAL ORDER**

**HB 1009** by Sims et al. of the House and Montgomery et al. of the Senate was called up for consideration.

Senator Montgomery moved to amend **HB 1009**, Page 1, by restoring the title and enacting clause, which amendment was declared adopted.

Senator Montgomery moved that **HB 1009** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1009** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--46.

Excused: Hall.--1.

Vacancy: District 22.--1.

The bill passed.

**HB 1009** was referred for engrossment.

**GENERAL ORDER**

**HB 1026** by Worthen of the House and Montgomery of the Senate was called up for consideration.

Senator Montgomery moved that **HB 1026** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1026** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The bill passed.

**HB 1026** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1046** by Kerbs of the House and Montgomery of the Senate was called up for consideration.

Senator Montgomery moved that **HB 1046** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1046** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bullard, Burns, Coleman, Dahm, Daniels, David, Dugger, Hall, Hamilton, Haste, Howard, Jech, Jett, Kidd, Leewright, McCortney, Montgomery, Murdock, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Standridge, Stanley, Stephens, Taylor, Treat and Weaver.--34.

Nay: Boren, Brooks, Dossett (J.A.), Dossett (J.J.), Floyd, Garvin, Hicks, Kirt, Matthews, Newhouse and Young.--11.

Excused: Simpson and Thompson.--2.

Vacancy: District 22.--1.

The bill passed.

**HB 1046** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1104** by Vancuren et al. of the House and Montgomery of the Senate was called up for consideration.

Senator Montgomery moved that **HB 1104** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1104** was read for the third time at length.

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

Aye: Boren, Brooks, Coleman, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Paxton, Pederson, Pemberton, Pugh, Rader, Rosino, Stanley, Treat, Weaver and Young.--31.

Nay: Allen, Bergstrom, Bullard, Burns, Dahm, Daniels, Hamilton, Murdock, Newhouse, Quinn, Rogers, Standridge, Stephens and Taylor.--14.

Excused: Simpson and Thompson.--2.

Vacancy: District 22.--1.

The bill passed.

**HB 1104** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1010** by Ranson of the House and Rader of the Senate was called up for consideration.

Senator Rader moved that **HB 1010** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1010** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Haste, Hicks, Howard, Jech, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Newhouse, Paxton, Pederson, Pemberton, Pugh, Rader, Standridge, Stanley, Stephens, Taylor, Treat, Weaver and Young.--37.

Nay: Dahm, Daniels, Hamilton, Jett, Murdock, Quinn, Rogers and Rosino.--8.

Excused: Simpson and Thompson.--2.

Vacancy: District 22.--1.

The bill passed.

**HB 1010** was referred for engrossment.

**GENERAL ORDER**

**HB 1566** by Sims et al. of the House and Rader of the Senate was called up for consideration.

Senator Rader moved that **HB 1566** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1566** was read for the third time at length.

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

Aye: Boren, Brooks, Bullard, Coleman, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Hall, Haste, Hicks, Howard, Jech, Kidd, Kirt, Matthews, McCortney, Montgomery, Newhouse, Pemberton, Rader, Rosino, Standridge, Stanley, Taylor, Weaver and Young.--27.

Nay: Allen, Bergstrom, Burns, Dahm, Daniels, David, Garvin, Hamilton, Jett, Leewright, Murdock, Paxton, Pederson, Pugh, Quinn, Stephens and Treat.--17.

Excused: Rogers, Simpson and Thompson.--3.

Vacancy: District 22.--1.

The bill passed.

**HB 1566** was referred for engrossment.

### **GENERAL ORDER**

**HB 1751** by Crosswhite Hader and Fugate of the House and Rader and Bullard of the Senate was called up for consideration.

Senator Rader moved that **HB 1751** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1751** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bullard, Burns, Coleman, Daniels, David, Dugger, Garvin, Hall, Hamilton, Haste, Howard, Jech, Jett, Kidd, Leewright, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat and Weaver.--37.

Nay: Boren, Brooks, Dahm, Dossett (J.A.), Dossett (J.J.), Floyd, Hicks, Kirt, Matthews and Young.--10.

Vacancy: District 22.--1.

The bill passed.

**HB 1751** was referred for engrossment.

### **GENERAL ORDER**

**HB 1752** by Crosswhite Hader et al. of the House and Rader of the Senate was called up for consideration.

Senator Rader moved that **HB 1752** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1752** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bullard, Burns, Coleman, Dahm, Daniels, David, Dugger, Garvin, Hall, Hamilton, Haste, Howard, Jech, Jett, Kidd, Leewright, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat and Weaver.--38.

Nay: Boren, Brooks, Dossett (J.A.), Dossett (J.J.), Floyd, Hicks, Kirt and Young.--8.

Excused: Matthews.--1.

Vacancy: District 22.--1.

The bill passed.

**HB 1752** was referred for engrossment.

**GENERAL ORDER**

**HB 1014** by Roe of the House and Simpson of the Senate was called up for consideration.

Senator Simpson moved that **HB 1014** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1014** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Bullard, Coleman, Daniels, David, Dugger, Garvin, Hall, Haste, Howard, Jech, Kidd, Leewright, McCortney, Montgomery, Murdock, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat and Weaver.--33.

Nay: Brooks, Burns, Dahm, Dossett (J.A.), Dossett (J.J.), Floyd, Hamilton, Hicks, Jett, Kirt, Matthews, Newhouse, Rogers and Young.--14.

Vacancy: District 22.--1.



The bill and emergency passed.

**HB 1014** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1019** by Worthen et al. of the House and Simpson of the Senate was called up for consideration.

Senator Simpson moved that **HB 1019** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1019** was read for the third time at length.

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

Aye: Boren, Brooks, Bullard, Coleman, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Haste, Hicks, Howard, Jech, Kidd, Kirt, Leewright, Matthews, Montgomery, Murdock, Pederson, Pemberton, Quinn, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Thompson, Treat, Weaver and Young.--32.

Nay: Allen, Bergstrom, Burns, Dahm, Daniels, Garvin, Hall, Hamilton, Jett, McCortney, Newhouse, Paxton, Pugh, Rader and Taylor.--15.

Vacancy: District 22.--1.

The bill passed.

**HB 1019** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1065** by Hardin (Tommy) of the House and Simpson of the Senate was called up for consideration.

Senator Simpson moved that **HB 1065** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1065** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--46.

Excused: Kirt.--1.

Vacancy: District 22.--1.

The bill passed.

**HB 1065** was referred for engrossment.

### **GENERAL ORDER**

**HB 1024** by Worthen of the House and Daniels of the Senate was called up for consideration.

Senator Daniels moved that **HB 1024** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1024** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--45.

Nay: Dahm.--1.

Excused: Simpson.--1.

Vacancy: District 22.--1.

The bill passed.

**HB 1024** was referred for engrossment.

**Senator Howard presiding.**

**GENERAL ORDER**

**HB 1632** by Hardin (David) of the House and Weaver of the Senate was called up for consideration.

Senator Weaver moved that **HB 1632** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1632** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The bill passed.

**HB 1632** was properly signed and ordered returned to the Honorable House.

**Senator Coleman presiding.**

**GENERAL ORDER**

**HB 1679** by Stark et al. of the House and Weaver and Bergstrom of the Senate was called up for consideration.

Senator Weaver moved that **HB 1679** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1679** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Weaver and Young.--46.

Excused: Treat.--1.

Vacancy: District 22.--1.

The bill passed.

**HB 1679** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2877** by Wallace and Fugate of the House and Taylor and Bullard of the Senate was called up for consideration.

Senator Taylor moved to amend **HB 2877**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2877** to the engrossed version of the bill.

Senator Taylor moved that **HB 2877** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2877** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Standridge, Stanley, Stephens, Taylor, Treat, Weaver and Young.--43.

Excused: Hall, Rosino, Simpson and Thompson.--4.

Vacancy: District 22.--1.

The bill passed.

**HB 2877** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1140** by Fetgatter of the House and Taylor of the Senate was called up for consideration.

Senator Taylor moved that **HB 1140** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1140** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The bill passed.

**HB 1140** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1063** by Boles of the House and Kidd of the Senate was called up for consideration.

Senator Kidd moved that **HB 1063** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1063** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The bill passed.

**HB 1063** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1064** by Boles et al. of the House and Kidd of the Senate was called up for consideration.

Senator Kidd moved that **HB 1064** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1064** was read for the third time at length.

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

Aye: Boren, Brooks, Bullard, Coleman, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Weaver and Young.--39.

Nay: Allen, Bergstrom, Burns, Dahm, Daniels, Hamilton, Pugh and Treat.--8.

Vacancy: District 22.--1.

The bill passed.

**HB 1064** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1093** by Kerbs of the House and Murdock of the Senate was called up for consideration.

Senator Murdock moved that **HB 1093** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1093** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--46.

Nay: Dahm.--1.

Vacancy: District 22.--1.

The bill passed.

**HB 1093** was referred for engrossment.

## **GENERAL ORDER**

**HB 1103** by Vancuren et al. of the House and Haste of the Senate was called up for consideration.

Senator Haste moved to amend **HB 1103**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Haste moved that **HB 1103** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 1103** was read for the third time at length.

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

Aye: Boren, Brooks, Bullard, Burns, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Haste, Hicks, Howard, Jech, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rosino, Simpson, Standridge, Stanley, Stephens, Thompson, Treat, Weaver and Young.--40.

Nay: Allen, Bergstrom, Dahm, Hamilton, Jett, Rogers and Taylor.--7.

Vacancy: District 22.--1.

The bill passed.

**HB 1103** was referred for engrossment.

Senator David moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Howard presiding.

Senator Howard questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

### **EXECUTIVE NOMINATIONS**

The following executive nomination has been approved by the committee named:

Bingman, J. Brian, Sapulpa, as Cabinet Secretary of Native American Affairs, to serve at the pleasure of the Governor, ending January 9, 2023, succeeding Michael W. Rogers, Jr. (General Government) Motion to confirm by Senator James Leewright.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, McCortney, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--44.

Excused: Matthews, Montgomery and Standridge.--3.

Vacancy: District 22.--1.

The following executive nomination has been approved by the committee named:

Bingman, J. Brian, Sapulpa, as Secretary of State, to serve coterminous with the Governor ending January 9, 2023, succeeding Michael W. Rogers, Jr. (General Government) Motion to confirm by Senator James Leewright.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, McCortney, Murdock, Newhouse, Paxton,



Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--44.

Excused: Matthews, Montgomery and Standridge.--3.

Vacancy: District 22.--1.

The following executive nomination has been approved by the committee named:

Berry Jr., William Lloyd, Sapulpa, to the Oklahoma Turnpike Authority – District 3, to serve an eight-year term ending July 1, 2028, succeeding Guy Berry. (Transportation Committee) Motion to confirm made by Senator James Leewright.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--46.

Excused: Standridge.--1.

Vacancy: District 22.--1.

The following executive nomination has been approved by the committee named:

Corbett, Kevin S., Oklahoma City, as Cabinet Secretary of Health and Mental Health, to serve at the pleasure of the Governor ending January 9, 2023, succeeding Jerome Loughridge. (Health and Human Services Committee) Motion to confirm made by Senator Carri Hicks.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The following executive nomination has been approved by the committee named:

Weber, Dana S., Tulsa, to the Oklahoma Turnpike Authority – District 4, to serve an eight-year term ending July 1, 2029, succeeding herself. (Transportation Committee) Motion to confirm made by Senator JoAnna Dossett.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The following executive nomination has been approved by the committee named:

Hutt Pollard, Elizabeth A., Edmond, as Cabinet Secretary of Science and Innovation, to serve a three-year term ending January 9, 2023, succeeding Dr. Kayse Shrum. (Education Committee) Motion to confirm made by Senator Adam Pugh.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The following executive nomination has been approved by the committee named:

Slatton-Hodges, Carrie M., Oklahoma City, as Commissioner of Mental Health and Substance Abuse Services, to serve at the pleasure of the Governor, succeeding Terri White. (Health and Human Services Committee) Motion to confirm made by Senator Paul Rosino.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The following executive nomination has been approved by the committee named:

Walters, Ryan M., Edmond, as Cabinet Secretary of Education, to serve at the pleasure of the Governor ending January 9, 2023, succeeding Michael W. Rogers, Jr. (Education Committee) Motion to confirm made by Senator Greg Treat.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--45.

Nay: Dossett (J.A.) and Kirt.--2.

Vacancy: District 22.--1.

The following executive nomination has been approved by the committee named:

Croak, W.H. "Bill", Oklahoma City, to the Board of Regents for Rose State College, to serve a seven-year term ending July 1, 2028, succeeding himself. (Education Committee) Motion to confirm made by Senator Brenda Stanley.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dugger, Garvin, Hall, Hamilton, Haste, Howard, Jech, Jett, Kidd, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat and Weaver.--41.

Nay: Boren, Dossett (J.J.), Hicks, Kirt and Young.--5.

Excused: Floyd.--1.

Vacancy: District 22.--1.

The following executive nominations have been approved by the committees named:

Toney, Amy, Bromide, to the Oklahoma Liquefied Petroleum Gas Board, to serve a four-year term ending June 30, 2025, succeeding herself. (Energy Committee) Motion to confirm made by Senator Frank Simpson.

Adwon, Phillip Mitchell, Tulsa, to the Board of Regents for Tulsa Community College, to serve a seven year-term ending June 30, 2028, succeeding Ron Looney. (Education Committee) Motion to confirm made by Senator JoAnna Dossett.

Pitts, Ryan H., Wewoka, to the Board of Regents of Seminole State College, to serve an unexpired term ending July 1, 2023, succeeding Paige Sheffield Sherry. (Education Committee) Motion to confirm made by Senator Zack Taylor.

Auer, Richard William, Lenapah, to the Environmental Quality Board, to serve a five-year term ending January 31, 2026, succeeding Jan Kunze. (Energy Committee) Motion to confirm made by Senator Julie Daniels.

Ballard, Dr. Keith E., Claremore, to the J.M. Davis Memorial Commission, to serve a four-year term ending August 1, 2025, succeeding himself. (Business, Commerce and Tourism Committee) Motion to confirm made by Senator Marty Quinn.

Bond, Brady M., Garber, to the State Fire Marshal Commission, to serve a five-year term ending July 1, 2026, succeeding Michael Karlin. (General Government Committee) Motion to confirm made by Senator Roland Pederson.

Curtis, John R., Broken Arrow, to the Oklahoma Mining Commission, to serve a seven-year term ending January 1, 2028, succeeding himself. (Energy Committee) Motion to confirm made by Senator Nathan Dahm.

Fields, Eddie, Wynona, to the Oklahoma Mining Commission, to serve a seven-year term ending January 1, 2028, succeeding Jed Winters. (Energy Committee) Motion to confirm made by Senator Bill Coleman.

Hall, Kara, Edmond, to the Oklahoma Educational Television Authority, to serve a seven-year term ending June 30, 2028, succeeding herself. (Education Committee) Motion to confirm made by Senator Adam Pugh.

Hilliary, Jr., Edward E., Elgin, to the State Board of Career and Technology Education, to serve a six-year term ending April 1, 2027, succeeding Timothy Burg. (Education Committee) Motion to confirm made by Senator Chris Kidd.

Justice, Ron G., Chickasha, to the Oklahoma Water Resources Board, to serve a seven-year term ending May 14, 2028, succeeding J. Bob Drake. (Energy Committee) Motion to confirm made by Senator Lonnie Paxton.

Lagaly, Kent A., El Reno, to the State Fire Marshal Commission, to serve an unexpired term ending July 1, 2023, succeeding Brian Zalewski. (General Government Committee) Motion to confirm made by Senator Lonnie Paxton.

Latham Jr., Bob, Tulsa, to the Oklahoma Water Resources Board, to serve a seven-year term ending May 14, 2028, succeeding Stephen Allen. (Energy Committee) Motion to confirm made by Senator Joe Newhouse.

Raith, Nathan T., Inola, to the Oklahoma State Board of Examiners for Long-Term Care Administrators, to serve an unexpired term ending October 31, 2020, succeeding Steve Cox. (Health and Human Services Committee) Motion to confirm made by Senator Marty Quinn.

Raith, Nathan T., Inola, to the Oklahoma State Board of Examiners for Long-Term Care Administrators, to serve a three-year term ending October 31, 2023, succeeding himself. (Health and Human Services Committee) Motion to confirm made by Senator Marty Quinn.

Motion to confirm the above named executive nominations were declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

## **GENERAL ORDER**

**HB 1568** by Boatman et al. of the House and Haste of the Senate was called up for consideration.

Senator Haste moved to amend **HB 1568**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Haste moved that **HB 1568** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1568** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The bill passed.

**HB 1568** was referred for engrossment.

**GENERAL ORDER**

**HB 1709** by Hill et al. of the House and Rosino of the Senate was called up for consideration.

Senator Rosino moved that **HB 1709** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1709** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The bill and emergency passed.

**HB 1709** was referred for engrossment.

**GENERAL ORDER**

**HB 1799** by Miller et al. of the House and Rosino of the Senate was called up for consideration.

Senator Rosino moved that **HB 1799** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1799** was read for the third time at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Vacancy: District 22.--1.

The bill passed.

**HB 1799** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1588** by Dempsey et al. of the House and Bullard of the Senate was called up for consideration.

Senator Haste moved to amend **HB 1588**, Page 20, Line 15½, by inserting the following Sections 2 and 3:

SECTION 2. AMENDATORY 68 O.S. 2011, Section 1352, as amended by Section 2, Chapter 311, O.S.L. 2016 (68 O.S. Supp. 2020, Section 1352), is amended to read as follows:

Section 1352. As used in the Oklahoma Sales Tax Code:

1. "Bundled transaction" means the retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable, and the products are sold for one nonitemized price. A "bundled transaction" does not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction. As used in this paragraph:

a. “distinct and identifiable products” does not include:

(1) packaging such as containers, boxes, sacks, bags, and bottles, or other materials such as wrapping, labels, tags, and instruction guides, that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof, including but not limited to, grocery sacks, shoeboxes, dry cleaning garment bags and express delivery envelopes and boxes,

(2) a product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge, or

(3) items included in the definition of gross receipts or sales price, pursuant to this section,

b. “one nonitemized price” does not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form including, but not limited to an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list,

A transaction that otherwise meets the definition of a bundled transaction shall not be considered a bundled transaction if it is:

(1) the retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service,

(2) the retail sale of services where one service is provided that is essential to the use or receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service,

(3) a transaction that includes taxable products and nontaxable products and the purchase price or sales price of the taxable products is de minimis. For purposes of this subdivision, “de minimis” means the seller’s purchase price or sales price of taxable products is ten percent (10%) or less of the total purchase price or sales price of the bundled products. Sellers shall use either the purchase price or the sales price of the products to determine if the taxable products are de minimis. Sellers may not use a combination of the purchase price and sales price of the products to determine if the taxable products are de minimis. Sellers shall use the full term of a service contract to determine if the taxable products are de minimis, or

(4) the retail sale of exempt tangible personal property and taxable tangible personal property where:

(a) the transaction includes food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices or medical supplies, and

(b) the seller’s purchase price or sales price of the taxable tangible personal property is fifty percent (50%) or less of the total purchase price or sales price of the bundled tangible personal property. Sellers may not use a combination of the purchase price and sales price of the tangible personal property when making the fifty percent (50%) determination for a transaction;

2. “Business” means any activity engaged in or caused to be engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect;

3. “Commission” or “Tax Commission” means the Oklahoma Tax Commission;



4. “Computer” means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions;

5. “Computer software” means a set of coded instructions designed to cause a “computer” or automatic data processing equipment to perform a task;

6. “Consumer” or “user” means a person to whom a taxable sale of tangible personal property is made or to whom a taxable service is furnished. “Consumer” or “user” includes all contractors to whom a taxable sale of materials, supplies, equipment, or other tangible personal property is made or to whom a taxable service is furnished to be used or consumed in the performance of any contract;

7. “Contractor” means any person who performs any improvement upon real property and who, as a necessary and incidental part of performing such improvement, incorporates tangible personal property belonging to or purchased by the person into the real property being improved;

8. “Drug” means a compound, substance or preparation, and any component of a compound, substance or preparation:

a. recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them,

b. intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease, or

c. intended to affect the structure or any function of the body;

9. “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

10. “Established place of business” means the location at which any person regularly engages in, conducts, or operates a business in a continuous manner for any length of time, that is open to the public during the hours customary to such business, in which a stock of merchandise for resale is maintained, and which is not exempted by law from attachment, execution, or other species of forced sale barring any satisfaction of any delinquent tax liability accrued under the Oklahoma Sales Tax Code;

11. “Fair authority” means:

a. any county, municipality, school district, public trust or any other political subdivision of this state, or

b. any not-for-profit corporation acting pursuant to an agency, operating or management agreement which has been approved or authorized by the governing body of any of the entities specified in subparagraph a of this paragraph which conduct, operate or produce a fair commonly understood to be a county, district or state fair;

12. a. “Gross receipts”, “gross proceeds” or “sales price” means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(1) the seller’s cost of the property sold,

(2) the cost of materials used, labor or service cost,

(3) interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller,

(4) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges,

- (5) delivery charges and installation charges, unless separately stated on the invoice, billing or similar document given to the purchaser, and
- (6) credit for any trade-in.
- b. Such term shall not include:
  - (1) discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale,
  - (2) interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser, and
  - (3) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser.
- c. Such term shall include consideration received by the seller from third parties if:
  - (1) the seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale,
  - (2) the seller has an obligation to pass the price reduction or discount through to the purchaser,
  - (3) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser, and
  - (4) one of the following criteria is met:
    - (a) the purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented,
    - (b) the purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount; provided, a “preferred customer” card that is available to any patron does not constitute membership in such a group, or
    - (c) the price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser;
- 13. a. “Maintaining a place of business in this state” means and shall be presumed to include:
  - (1) (a) utilizing or maintaining in this state, directly or by subsidiary, an office, distribution house, sales house, warehouse, or other physical place of business, whether owned or operated by the vendor or any other person, other than a common carrier acting in its capacity as such, or
  - (b) having agents operating in this state, whether the place of business or agent is within this state temporarily or permanently or whether the person or agent is authorized to do business within this state, and
  - (2) the presence of any person, other than a common carrier acting in its capacity as such, that has substantial nexus in this state and that:
    - (a) sells a similar line of products as the vendor and does so under the same or a similar business name,
    - (b) uses trademarks, service marks or trade names in this state that are the same or substantially similar to those used by the vendor,
    - (c) delivers, installs, assembles or performs maintenance services for the vendor,

(d) facilitates the vendor's delivery of property to customers in the state by allowing the vendor's customers to pick up property sold by the vendor at an office, distribution facility, warehouse, storage place or similar place of business maintained by the person in this state, or

(e) conducts any other activities in this state that are significantly associated with the vendor's ability to establish and maintain a market in this state for the vendor's sale.

b. The presumptions in divisions (1) and (2) of subparagraph a of this paragraph may be rebutted by demonstrating that the person's activities in this state are not significantly associated with the vendor's ability to establish and maintain a market in this state for the vendor's sales.

c. Any ruling, agreement or contract, whether written or oral, express or implied, between a person and executive branch of this state, or any other state agency or department, stating, agreeing or ruling that the person is not "maintaining a place of business in this state" or is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center or fulfillment center in this state that is owned or operated by the vendor or an affiliated person of the vendor shall be null and void unless it is specifically approved by a majority vote of each house of the Oklahoma Legislature;

14. "Manufacturing" means and includes the activity of converting or conditioning tangible personal property by changing the form, composition, or quality of character of some existing material or materials, including natural resources, by procedures commonly regarded by the average person as manufacturing, compounding, processing or assembling, into a material or materials with a different form or use. "Manufacturing" shall also include the manufacturing, compounding, processing or fabrication of materials into articles of tangible personal property according to the special order of a customer (custom order manufacturing) by manufacturers classified as operating in North American Industry Classification System (NAICS) Sectors 32 and 33, but does not include such custom order manufacturing by manufacturers classified in other NAICS code sectors. "Manufacturing" does not include extractive industrial activities such as mining, quarrying, logging, and drilling for oil, gas and water, nor oil and gas field processes, such as natural pressure reduction, mechanical separation, heating, cooling, dehydration and compression;

15. "Manufacturing operation" means the designing, manufacturing, compounding, processing, assembling, warehousing, or preparing of articles for sale as tangible personal property. A manufacturing operation begins at the point where the materials enter the manufacturing site and ends at the point where a finished product leaves the manufacturing site. "Manufacturing operation" does not include administration, sales, distribution, transportation, site construction, or site maintenance. Extractive activities and field processes shall not be deemed to be a part of a manufacturing operation even when performed by a person otherwise engaged in manufacturing;

16. "Manufacturing site" means a location where a manufacturing operation is conducted, including a location consisting of one or more buildings or structures in an area owned, leased, or controlled by a manufacturer;

17. "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R., Section 201.66. The over-the-counter-drug label includes:

a. a "Drug Facts" panel, or

b. a statement of the “active ingredient(s)” with a list of those ingredients contained in the compound, substance or preparation;

18. “Person” means any individual, company, partnership, joint venture, joint agreement, association, mutual or otherwise, limited liability company, corporation, estate, trust, business trust, receiver or trustee appointed by any state or federal court or otherwise, syndicate, this state, any county, city, municipality, school district, any other political subdivision of the state, or any group or combination acting as a unit, in the plural or singular number;

19. “Prescription” means an order, formula or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed “practitioner” as defined in Section 1357.6 of this title;

20. “Prewritten computer software” means “computer software”, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person’s modifications or enhancements. Prewritten software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software;

21. “Repairman” means any person who performs any repair service upon tangible personal property of the consumer, whether or not the repairman, as a necessary and incidental part of performing the service, incorporates tangible personal property belonging to or purchased by the repairman into the tangible personal property being repaired;

22. “Sale” means the transfer of either title or possession of tangible personal property for a valuable consideration regardless of the manner, method, instrumentality, or device by which the transfer is accomplished in this state, or other transactions as provided by this paragraph, including but not limited to:

a. the exchange, barter, lease, or rental of tangible personal property resulting in the transfer of the title to or possession of the property,

b. the disposition for consumption or use in any business or by any person of all goods, wares, merchandise, or property which has been purchased for resale, manufacturing, or further processing,

c. the sale, gift, exchange, or other disposition of admission, dues, or fees to clubs, places of amusement, or recreational or athletic events or for the privilege of having access to or the use of amusement, recreational, athletic or entertainment facilities,

d. the furnishing or rendering of services taxable under the Oklahoma Sales Tax Code, and

e. any use of motor fuel or diesel fuel by a supplier, as defined in Section 500.3 of this title, upon which sales tax has not previously been paid, for purposes other than to

propel motor vehicles over the public highways of this state. Motor fuel or diesel fuel purchased outside the state and used for purposes other than to propel motor vehicles over the public highways of this state shall not constitute a sale within the meaning of this paragraph;

23. "Sale for resale" means:

a. a sale of tangible personal property to any purchaser who is purchasing tangible personal property for the purpose of reselling it within the geographical limits of the United States of America or its territories or possessions, in the normal course of business either in the form or condition in which it is purchased or as an attachment to or integral part of other tangible personal property,

b. a sale of tangible personal property to a purchaser for the sole purpose of the renting or leasing, within the geographical limits of the United States of America or its territories or possessions, of the tangible personal property to another person by the purchaser, but not if incidental to the renting or leasing of real estate,

c. a sale of tangible goods and products within this state if, simultaneously with the sale, the vendor issues an export bill of lading, or other documentation that the point of delivery of such goods for use and consumption is in a foreign country and not within the territorial confines of the United States. If the vendor is not in the business of shipping the tangible goods and products that are purchased from the vendor, the buyer or purchaser of the tangible goods and products is responsible for providing an export bill of lading or other documentation to the vendor from whom the tangible goods and products were purchased showing that the point of delivery of such goods for use and consumption is a foreign country and not within the territorial confines of the United States, or

d. a sales of any carrier access services, right of access services, telecommunications services to be resold, or telecommunications used in the subsequent provision of, use as a component part of, or integrated into, end-to-end telecommunications service;

24. "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched or that is in any other manner perceptible to the senses. "Tangible personal property" includes electricity, water, gas, steam and prewritten computer software. This definition shall be applicable only for purposes of the Oklahoma Sales Tax Code;

25. "Taxpayer" means any person liable to pay a tax imposed by the Oklahoma Sales Tax Code;

26. "Tax period" or "taxable period" means the calendar period or the taxpayer's fiscal period for which a taxpayer has obtained a permit from the Tax Commission to use a fiscal period in lieu of a calendar period;

27. "Tax remitter" means any person required to collect, report, or remit the tax imposed by the Oklahoma Sales Tax Code. A tax remitter who fails, for any reason, to collect, report, or remit the tax shall be considered a taxpayer for purposes of assessment, collection, and enforcement of the tax imposed by the Oklahoma Sales Tax Code; and

28. "Vendor" means:

a. any person making sales of tangible personal property or services in this state, the gross receipts or gross proceeds from which are taxed by the Oklahoma Sales Tax Code,

b. any person maintaining a place of business in this state and making sales of tangible personal property or services, whether at the place of business or elsewhere, to

persons within this state, the gross receipts or gross proceeds from which are taxed by the Oklahoma Sales Tax Code,

c. any person who solicits business by employees, independent contractors, agents, or other representatives in this state, and thereby makes sales to persons within this state of tangible personal property or services, the gross receipts or gross proceeds from which are taxed by the Oklahoma Sales Tax Code, or

d. any person, pursuant to an agreement with the person with an ownership interest in or title to tangible personal property, who has been entrusted with the possession of any such property and has the power to designate who is to obtain title, to physically transfer possession of, or otherwise make sales of the property.

SECTION 3. AMENDATORY 68 O.S. 2011, Section 1359, as last amended by Section 2, Chapter 317, O.S.L. 2016 (68 O.S. Supp. 2020, Section 1359), is amended to read as follows:

Section 1359. Exemptions - Manufacturing. There are hereby specifically exempted from the tax levied by Section 1350 et seq. of this title:

1. Sales of goods, wares, merchandise, tangible personal property, machinery and equipment to a manufacturer for use in a manufacturing operation. Such sales of goods, wares, merchandise, tangible personal property, machinery and equipment for use in a manufacturing operation shall be exempt for any manufacturer, engaged in manufacturing as defined in Section 1352 of this title. Goods, wares, merchandise, property, machinery and equipment used in a nonmanufacturing activity or process as set forth in paragraph 14 of Section 1352 of this title shall not be eligible for the exemption provided for in this subsection by virtue of the activity or process being performed in conjunction with or integrated into a manufacturing operation.

For the purposes of this paragraph, sales made to any person, firm or entity that has entered into a contractual relationship for the construction and improvement of manufacturing goods, wares, merchandise, property, machinery and equipment for use in a manufacturing operation shall be considered sales made to a manufacturer which is defined or classified in the North American Industry Classification System (NAICS) Manual under Industry Group No. 324110. Such purchase shall be evidenced by a copy of the sales ticket or invoice to be retained by the vendor indicating that the purchases are made for and on behalf of such manufacturer and set out the name of such manufacturer as well as include a copy of the Manufacturing Exemption Permit of the manufacturer. Any person who wrongfully or erroneously certifies that purchases are being made on behalf of such manufacturer or who otherwise violates this paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days or both;

2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by Section 500.4 of this title;

3. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden, or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles and the cartons, crates, pallets, and containers used to transport returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any

person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this Code. Additionally, this exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise;

4. Sales of or transfers of title to or possession of any containers, after June 30, 1987, used or to be used more than once and which are ordinarily known as returnable containers and which do or will contain beverages defined by paragraphs 4 and 14 of Section 506 of Title 37 of the Oklahoma Statutes, or water for human consumption and the cartons, crates, pallets, and containers used to transport such returnable containers;

5. Sale of tangible personal property when sold by the manufacturer to a person who transports it to a state other than Oklahoma for immediate and exclusive use in a state other than Oklahoma. Provided, no sales at a retail outlet shall qualify for the exemption under this paragraph;

6. Machinery, equipment, fuels and chemicals or other materials incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of hazardous waste at treatment facilities specifically permitted pursuant to the Oklahoma Hazardous Waste Management Act and operated at the place of waste generation, or facilities approved by the Department of Environmental Quality for the cleanup of a site of contamination. The term "hazardous" waste may include low-level radioactive waste for the purpose of this paragraph;

7. Except as otherwise provided by subsection I of Section 3658 of this title pursuant to which the exemption authorized by this paragraph may not be claimed, sales of tangible personal property to a qualified manufacturer or distributor to be consumed or incorporated in a new manufacturing or distribution facility or to expand an existing manufacturing or distribution facility. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified manufacturer or distributor for construction or expansion of a manufacturing or distribution facility shall be considered sales made to a qualified manufacturer or distributor. For the purposes of this paragraph, "qualified manufacturer or distributor" means:

a. any manufacturing enterprise whose total cost of construction of a new or expanded facility exceeds the sum of Five Million Dollars (\$5,000,000.00) and in which at least one hundred (100) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility,

b. any manufacturing enterprise whose total cost of construction of a new or expanded facility exceeds the sum of Ten Million Dollars (\$10,000,000.00) and the combined cost of construction material, machinery, equipment and other tangible personal property exempt from sales tax under the provisions of this paragraph exceeds the sum of Fifty Million Dollars (\$50,000,000.00) and in which at least seventy-five (75) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility,

c. any manufacturing enterprise whose total cost of construction of an expanded facility exceeds the sum of Three Hundred Million Dollars (\$300,000,000.00) and in which the manufacturer has and maintains an average employment level of at least one thousand

seven hundred fifty (1,750) full-time-equivalent employees, as certified by the Employment Security Commission, or

d. any enterprise primarily engaged in the general wholesale distribution of groceries defined or classified in the North American Industry Classification System (NAICS) Manual under Industry Groups No. 4244 and 4245 and which has at least seventy-five percent (75%) of its total sales to in-state customers or buyers and whose total cost of construction of a new or expanded facility exceeds the sum of Forty Million Dollars (\$40,000,000.00) with such construction commencing on or after July 1, 2005, and before December 31, 2005, and which at least fifty new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility.

For purposes of this paragraph, the total cost of construction shall include building and construction material and engineering and architectural fees or charges directly associated with the construction of a new or expanded facility. The total cost of construction shall not include attorney fees. For purposes of subparagraph c of this paragraph, the total cost of construction shall also include the cost of qualified depreciable property as defined in Section 2357.4 of this title and labor services performed in the construction of an expanded facility. For the purpose of subparagraph d of this paragraph, the total cost of construction shall also include the cost of all parking, security and dock structures or facilities necessary to manage, process or secure vehicles used to receive and/or distribute groceries through such a facility. The employment requirement of this paragraph can be satisfied by the employment of a portion of the required number of new full-time-equivalent employees at a manufacturing or distribution facility that is related to or supported by the new or expanded manufacturing or distribution facility as long as both facilities are owned by one person or business entity. For purposes of this section, "manufacturing facility" shall mean building and land improvements used in manufacturing as defined in Section 1352 of this title and shall also mean building and land improvements used for the purpose of packing, repackaging, labeling or assembling for distribution to market, products at least seventy percent (70%) of which are made in Oklahoma by the same company but at an off-site, in-state manufacturing or distribution facility or facilities. It shall not include a retail outlet unless the retail outlet is operated in conjunction with and on the same site or premises as the manufacturing facility. Up to ten percent (10%) of the square feet of a manufacturing or distribution facility building may be devoted to office space used to provide clerical support for the manufacturing operation. Such ten percent (10%) may be in a separate building as long as it is part of the same contiguous tract of property on which the manufacturing or distribution facility is located. Only sales of tangible personal property made after June 1, 1988, shall be eligible for the exemption provided by this paragraph. The exemption authorized pursuant to subparagraph d of this paragraph shall only become effective when the governing body of the municipality in which the enterprise is located approves a resolution expressing the municipality's support for the construction for such new or expanded facility. Upon approval by the municipality, the municipality shall forward a copy of such resolution to the Oklahoma Tax Commission;

8. Sales of tangible personal property purchased and used by a licensed radio or television station in broadcasting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper



production of a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. This exemption begins with the equipment used in producing live programming or the electronic equipment directly behind the satellite receiving dish or antenna, and ends with the transmission of the broadcast signal from the broadcast antenna system. For purposes of this paragraph, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;

9. Sales of tangible personal property purchased or used by a licensed cable television operator in cablecasting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a cablecast signal or is such that the failure of the machinery or equipment to operate would cause cablecasting to cease. This exemption begins with the equipment used in producing local programming or the electronic equipment behind the satellite receiving dish, microwave tower or antenna, and ends with the transmission of the signal from the cablecast head-end system. For purposes of this paragraph, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;

10. Sales of packaging materials for use in packing, shipping or delivering tangible personal property for sale when sold to a producer of agricultural products. This exemption shall not apply to the sale of any packaging material which is ordinarily known as a returnable container;

11. Sales of any pattern used in the process of manufacturing iron, steel or other metal castings. The exemption provided by this paragraph shall be applicable irrespective of ownership of the pattern provided that such pattern is used in the commercial production of metal castings;

12. Deposits or other charges made and which are subsequently refunded for returnable cartons, crates, pallets, and containers used to transport cement and cement products;

13. Beginning January 1, 1998, machinery, electricity, fuels, explosives and materials, excluding chemicals, used in the mining of coal in this state;

14. Deposits, rent or other charges made for returnable cartons, crates, pallets, and containers used to transport mushrooms or mushroom products from a farm for resale to the consumer or processor;

15. Sales of tangible personal property and services used or consumed in all phases of the extraction and manufacturing of crushed stone and sand, including but not limited to site preparation, dredging, overburden removal, explosive placement and detonation, onsite material hauling and/or transfer, material washing, screening and/or crushing, product weighing and site reclamation; and

16. Sale, use or consumption of paper stock and other raw materials which are manufactured into commercial printed material in this state primarily for use and delivery outside this state. For the purposes of this section, "commercial printed material" shall include magazines, catalogs, retail inserts and direct mail."; and by renumbering subsequent sections, which amendment failed of adoption upon roll call vote as follows:

Aye: Bergstrom, Bullard, Coleman, Daniels, Dugger, Garvin, Haste, Howard, Kidd, Leewright, McCortney, Montgomery, Paxton, Pederson, Pemberton, Rader, Rosino, Simpson, Stephens, Taylor, Thompson, Treat and Weaver.--23.

Nay: Allen, Boren, Brooks, Burns, Dahm, David, Dossett (J.A.), Dossett (J.J.), Floyd, Hall, Hamilton, Hicks, Jech, Jett, Kirt, Matthews, Newhouse, Pugh, Quinn, Rogers, Standridge, Stanley and Young.--23.

Excused: Murdock.--1.

Vacancy: District 22.--1.

Senator Bullard moved to amend **HB 1588**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1588** to the engrossed version of the bill.

Senator Bullard moved that **HB 1588** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1588** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bullard, Burns, Coleman, Daniels, David, Dugger, Garvin, Hall, Hamilton, Haste, Howard, Jech, Jett, Kidd, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Rader, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat and Weaver.--35.

Nay: Boren, Brooks, Dahm, Dossett (J.A.), Dossett (J.J.), Floyd, Hicks, Kirt, Pugh, Quinn, Rogers and Young.--12.

Vacancy: District 22.--1.

The bill passed.

**HB 1588** was properly signed and ordered returned to the Honorable House.

### **MESSAGES FROM THE HOUSE**

Advising passage of and returning the following Engrossed bills:

**SB 16**  
**SB 68**  
**SB 69**  
**SB 79** - coauthored by Representative McBride  
**SB 90** - coauthored by Representative Moore  
**SB 104**  
**SB 107**  
**SB 132** - coauthored by Representatives Provenzano and Waldron  
**SB 134** - coauthored by Representative Fugate  
**SB 153**  
**SB 172** - coauthored by Representatives Williams, Provenzano and Ranson  
**SB 208**  
**SB 287**  
**SB 300**  
**SB 371**  
**SB 378** - coauthored by Representative Lepak  
**SB 382** - coauthored by Representative Bell  
**SB 433**  
**SB 511** - coauthored by Representative McEntire  
**SB 535**  
**SB 536**  
**SB 632**  
**SB 654**  
**SB 684**  
**SB 745**  
**SB 807** - coauthored by Representatives West (Josh) and Vancuren  
**SB 899**  
**SB 1006**  
**SB 1021**  
**SB 1064**

The above-numbered measures were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 3, 10, 28, 44, 45, 63, 76, 100, 122, 136, 137, 143, 228, 280, 448, 492, 568, 789, 844, 853 and 889.**

The above-numbered enrolled measures were referred to the Governor.

Advising passage of and returning the following engrossed bills as amended:

**SB 66**  
**SB 200** - coauthored by Representatives Fugate and Ranson

**SB 246**

**SB 267** - coauthored by Representatives Fugate, Provenzano and Phillips

House amendments were read on the above-numbered bills.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1015, 1022, 1023, 1029, 1036, 1059, 1071, 1085, 1086, 1096, 1112, 1121, 1152, 1631, 1705, 1749, 1877, 2506 and 2678.**

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

Senator David moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 14, 2021, at 9:30 a.m., which motion prevailed.

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 511** - Coauthored by Representative Virgin

**HB 1001** - Coauthored by Representative McDugle

**HB 1019** - Coauthored by Senator Hicks

**HB 1588** - Remove as author Senator Bullard; authored by Senator Burns  
Coauthored by Senator Bullard

**HB 1674** - Coauthored by Senator Hamilton

**HB 1775** - Remove as principal author Representative Conley and substitute with  
Representative West (Kevin)

Coauthored by Senator Weaver

**HB 2335** - Coauthored by Senator Weaver

**HB 2877** - Coauthored by Senator Bergstrom

**MESSAGES FROM THE GOVERNOR**

Advising his approval April 13, 2021, of Enrolled **SBs 97 and 1002.**

Pursuant to the David motion, the Senate adjourned at 2:30 p.m. to meet Wednesday, April 14, 2021, at 9:30 a.m.