

Senate Journal

Second Regular Session of the Fifty-fifth Legislature of the State of Oklahoma Fifty-ninth Legislative Day, Monday, May 16, 2016

The Senate was called to order by Senator Fields.

Roll Call:

Present: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.—45.

Excused: Brown, Garrison and Simpson.—3.

Senator Fields declared a quorum present.

The prayer was offered by Reverend Don Wolf, Saint Eugene Catholic Church, Oklahoma City, the guest of Senator Bice.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 1577 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

INTRODUCTIONS

Senator Sykes introduced his father, David Sykes, and Senator Schulz introduced his wife, Reenie, and their daughter, Abby, to the Senate.

PENDING CONSIDERATION OF HAS

HAs to SB 900 were concurred in upon motion of Senator Brooks.

SB 900, as amended by the Honorable House, was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Bingman, Brown, Garrison and Simpson.--4.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 1495 were concurred in upon motion of Senator Brooks.

SB 1495, as amended by the Honorable House, was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Bingman, Brown, Garrison and Simpson.--4.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 796 were concurred in upon motion of Senator Sykes.

SB 796, as amended by the Honorable House, was read at length.

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

Aye: Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--43.

Excused: Allen, Bingman, Brown, Garrison and Simpson.--5.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF JCR

The **JCR on SB 1596** was adopted upon motion of Senator Stanislawski.

SB 1596 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--43.

Nay: Sykes.--1.

Excused: Bingman, Brown, Garrison and Simpson.--4.

The bill and emergency passed.

SB 1596 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1598** was adopted upon motion of Senator Stanislawski.

SB 1598 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Fields, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--38.

Nay: Dossett, Floyd, Matthews, Paddack, Pittman and Sparks.--6.

Excused: Bingman, Brown, Garrison and Simpson.--4.

The bill and emergency passed.

SB 1598 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1599** was adopted upon motion of Senator Stanislawski.

SB 1599 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Fields, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--38.

Nay: Dossett, Floyd, Matthews, Paddack, Pittman and Sparks.--6.

Excused: Bingman, Brown, Garrison and Simpson.--4.

The bill and emergency passed.

SB 1599 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1600** was adopted upon motion of Senator Stanislawski.

SB 1600 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--42.

Nay: Dahm and Sykes.--2.

Excused: Bingman, Brown, Garrison and Simpson.--4.

The bill and emergency passed.

SB 1600 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1601** was adopted upon motion of Senator Stanislawski.

SB 1601 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Fields, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--38.

Nay: Dossett, Floyd, Matthews, Paddack, Pittman and Sparks.--6.

Excused: Bingman, Brown, Garrison and Simpson.--4.

The bill and emergency passed.

SB 1601 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 3206** was adopted upon motion of Senator Mazzei.

HB 3206 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Bingman, Brown, Garrison and Simpson.--4.

The bill passed.

HB 3206, together with the joint conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1579** was adopted upon motion of Senator Mazzei.

SB 1579 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, David, Fields, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Marlatt, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.-32.

Nay: Dahm, Dossett, Floyd, Loveless, Matthews, Paddack, Pittman, Shortey, Silk, Smalley, Sparks and Sykes.--12.

Excused: Bingman, Brown, Garrison and Simpson.--4.

The bill and emergency passed.

SB 1579 was referred for engrossment.

Senator Sykes presiding.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1582** was adopted upon motion of Senator Mazzei.

SB 1582 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Wyrick and Yen.--42.

Excused: Bingman, Brown, Garrison, Jolley, Simpson and Treat.--6.

The bill passed.

SB 1582 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1604** was adopted upon motion of Senator Mazzei.

SB 1604 was read at length.

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

Aye: Allen, Barrington, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Fields, Ford, Fry, Griffin, Jech, Justice, Loveless, Marlatt, Mazzei, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Standridge, Stanislawski, Sykes, Thompson and Yen.--30.

Nay: Anderson, Bass, Dossett, Floyd, Halligan, Matthews, Newberry, Paddack, Pittman, Sparks and Wyrick.--11.

Excused: Bingman, Brown, Garrison, Holt, Jolley, Simpson and Treat.--7.

The bill passed.

SB 1604 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1605** was adopted upon motion of Senator Mazzei.

SB 1605 was read at length.

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

Aye: Allen, Barrington, Bice, Bingman, Boggs, Brecheen, Brooks, Crain, Dahm, David, Fields, Ford, Fry, Griffin, Halligan, Jech, Justice, Loveless, Marlatt, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Standridge, Stanislawski, Sykes, Thompson and Yen.--33.

Nay: Anderson, Bass, Dossett, Floyd, Matthews, Paddack, Pittman, Sparks and Wyrick.--9.

Excused: Brown, Garrison, Holt, Jolley, Simpson and Treat.--6.

The bill passed.

SB 1605 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1606** was adopted upon motion of Senator Mazzei.

SB 1606 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Jech, Justice, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Wyrick and Yen.--39.

Nay: Brecheen and Loveless.--2.

Excused: Bingman, Brown, Garrison, Holt, Jolley, Simpson and Treat.--7.

The bill passed.

SB 1606 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1603** was adopted upon motion of Senator Mazzei.

SB 1603 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Fields, Ford, Fry, Griffin, Halligan, Jech, Justice, Loveless, Marlatt, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Standridge, Stanislawski, Sykes, Thompson, Wyrick and Yen.--35.

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

Excused: Bingman, Brown, Garrison, Holt, Jolley, Pittman, Simpson and Treat.--8.

The bill and emergency passed.

SB 1603 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1287** were concurred in upon motion of Senator Griffin.

SB 1287, as amended by the Honorable House, was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Jech, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Wyrick and Yen.--41.

Excused: Bingman, Brown, Garrison, Holt, Jolley, Simpson and Treat.--7.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**MESSAGE FROM THE HOUSE
HAs TO SENATE BILLS**

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

SB 1142 - CORRECTED

House amendments were read on the above-numbered bill.

FOURTH READING AND SIGNING RESCINDED

Senator Dahm moved that the Senate rescind the adoption of **HAs**, signing and Fourth Reading and enrollment of **SB 1142**, which motion was declared adopted upon roll call as follows:

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Jech, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislowski, Sykes, Thompson, Wyrick and Yen.--41.

Excused: Bingman, Brown, Garrison, Holt, Jolley, Simpson and Treat.--7.

PENDING CONSIDERATION OF CORRECTED HAs

Senator Dahm moved adoption of the corrected **HAs** to **SB 1142**, which motion was declared adopted.

SB 1142, as amended by the Honorable House, was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Jech, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislowski, Sykes, Thompson, Wyrick and Yen.--41.

Excused: Bingman, Brown, Garrison, Holt, Jolley, Simpson and Treat.--7.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1583** was adopted upon motion of Senator Marlatt.

SB 1583 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brooks, Crain, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Jech, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Smalley, Sparks, Stanislawski, Thompson, Wyrick and Yen.--35.

Nay: Brecheen, Dahm, Shortey, Silk, Standridge and Sykes.--6.

Excused: Bingman, Brown, Garrison, Holt, Jolley, Simpson and Treat.--7.

The bill and emergency passed.

SB 1583 was referred for engrossment.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 796, 900, 1142, 1287 and 1495 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SBs 1579, 1582, 1583, 1596, 1598, 1599, 1600, 1601, 1603, 1604, 1605 and 1606 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HB 3204** and **HJR 1072** .

HB 3204 – By Sears and Casey of the House and Jolley, Treat and Mazzei of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 2357.104, which relates to tax credits for certain railroad rehabilitation expenditures; modifying amount of credit for certain tax years; and providing an effective date.

HJR 1072 – By Faught of the House and Dahm of the Senate.

A Joint Resolution approving and disapproving certain proposed permanent rules of Oklahoma state agencies; and directing distribution.

The above-numbered measures were read the first time.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2446** and **2531**.

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

Advising fourth reading of and returning Enrolled **SB 900**.

The above-numbered enrolled measure was referred to the Governor.

CONFERENCE COMMITTEE REPORTS

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

HB 1654 - remove as author Senator Sharp and substitute with Senator Shaw

HB 1714 - (2nd CCR)

HB 2273

HB 2360 - coauthored by Sherrer and Hoskin of the House

Conference committee reports were read on the above-numbered bills.

Advising concurrence in **SAs** to and passage of Engrossed **HB 2784**.

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 253 – Remove Paddack and replace with Floyd

SB 615 – Remove Garrison and replace with Floyd

SCs NAMED

Upon motion of Senator Schulz, Senate conferees were appointed as follows:

SB 1070 – Sharp, Standridge, Barrington, Brooks, David, Paddack, Matthews

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 1016

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 17, 2016, at 9:30 a.m., which motion prevailed.

SECOND READING

The following was read for the second time and referred to committee as indicated:

SB 1607 – Joint Committee on Appropriations and Budget

FIRST READING

The following were introduced and read the first time:

SB 1608 – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to tax credits; amending Section 1, Chapter 421, O.S.L. 2014 (68 O.S. Supp. 2015, Section 2357.403), which relates the Oklahoma Affordable Housing Act; modifying definition; modifying total credits allocated for specified time periods; and providing an effective date.

SB 1609 – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to public finance; amending Section 10, Chapter 209, O.S.L. 2013 (62 O.S. Supp. 2015, Section 901.1), which relates to the Long-Range Capital Planning Commission; setting forth procedure for substitution of emergency projects by state agencies; specifying duties of Director of Office of Management and Enterprise Services; requiring approval of President Pro Tempore of Senate and Speaker of House of Representatives; providing an effective date; and declaring an emergency.

SB 1610 – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to fees; amending 28 O.S. 2011, Sections 153, as amended by Section 4 of Enrolled House Bill No. 3146 of the 2nd Session of the 55th Oklahoma Legislature, and 162, which relate to costs in criminal cases and juvenile proceedings; modifying fees assessed in certain criminal and juvenile cases; providing an effective date; and declaring an emergency.

SB 1611 – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to the Oklahoma Accountancy Board; amending 59 O.S. 2011, Section 15.7, which relates to disbursement of fees and monies; deleting certain prohibition; expanding powers of the Board; requiring certain notice; providing certain exclusion; providing an effective date; and declaring an emergency.

SB 1612 – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to income tax credit; amending 68 O.S. 2011, Section 2357.22, as last amended by Section 12, Chapter 328, O.S.L. 2014 (68 O.S. Supp. 2015, Section 2357.22), which relates to income tax credits for investment in clean-burning motor vehicle fuel property; providing certain exceptions; updating reference; limiting total amount of certain credit which may be claimed during specified time period; providing for annual adjustment of total amount of credits subject to certain limit based on specified calculation and prescribing applicable methodology; providing exception to certain limit under specified circumstances; reducing amount of credit allowed for certain time period; and providing an effective date.

SB 1613 – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to tax credits; amending 68 O.S. 2011, Section 2357.11, as amended by Section 1, Chapter 371, O.S.L. 2013 (68 O.S. Supp. 2015, Section 2357.11), which relates to credits for production and purchase of coal; limiting time period during which credits are allowed; clarifying application of limit; and providing an effective date.

SJR 76 – By Dahm of the Senate and Faught of the House.

A Joint Resolution disapproving and amending certain proposed permanent rules of Oklahoma state agencies; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 359 - Coauthored by Jech

SB 694 - Remove as author Senator Schulz; authored by Griffin

SB 1211 - Coauthored by Floyd

MESSAGES FROM THE GOVERNOR

Advising her approval May 16, 2016, of Enrolled SBs **172, 804, 1030, 1196, 1386, 1424, 1459** and **1573**.

Pursuant to the Schulz motion, the Senate adjourned at 3:30 p.m. to meet Tuesday, May 17, 2016, at 9:30 a.m.