

# Senate Journal

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

Forty-first Legislative Day, Tuesday, April 18, 2017

The Senate was called to order by Senator Stanislawski.

Roll Call:

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

Excused: Treat.—1.

Vacancy: District 44.—1.

Senator Stanislawski declared a quorum present.

The prayer was offered by Pastor Scott Newton, North Fork Baptist Church, Eufaula, the guest of Senator Brown.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 12, 21, 22, 23, 33, 34, 42, 45, 59, 64, 115, 151, 174, 180, 225, 231, 233, 322, 354, 358, 411, 508, 645, 682 and 688 and SCR 7** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**HBs 1149, 1169, 1564, 1607, 1886, 1996, 1998 and 2252** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Yen asked unanimous consent to refer **SR 13** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 13** by Yen was called up for consideration.

All other members of the Senate asked to coauthor **SR 13**, which was the order.

**SR 13** was adopted upon motion of Senator Yen and referred for enrollment.

**GENERAL ORDER**

**HB 1197** by Hardin and Ritze of the House and Simpson of the Senate was called up for consideration.

Senator Simpson moved that **HB 1197** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1197** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson and Yen.--38.

Excused: Bass, David, Leewright, Loveless, Marlatt, Schulz, Scott, Standridge and Treat.--9.

Vacancy: District 44.--1.

The bill passed.

**HB 1197** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1304** by Murdock of the House and Jech of the Senate was called up for consideration.

Senator Jech moved that **HB 1304** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1304** was read for the third time at length.

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

Aye: Bergstrom, Bice, Boggs, Brown, Dahm, Daniels, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Loveless, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson and Yen.--37.

Nay: Allen.--1.

Excused: Bass, Brecheen, David, Leewright, Marlatt, Schulz, Scott, Standridge and Treat.--9.

Vacancy: District 44.--1.

The bill passed.

**HB 1304** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1357** by Goodwin of the House and Griffin and Pittman of the Senate was called up for consideration.

Senator Griffin moved that **HB 1357** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1357** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brown, Dahm, Daniels, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Loveless, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson and Yen.--39.

Excused: Bass, Brecheen, David, Leewright, Marlatt, Schulz, Standridge and Treat.--8.

Vacancy: District 44.--1.

The bill passed.

**HB 1357** was properly signed and ordered returned to the Honorable House.

## **INTRODUCTIONS**

Senator Jech introduced former Senator Earl Garrison and his wife, Faye, to the Senate.

## **GENERAL ORDER**

**HB 1392** by Kerbs and Pfeiffer of the House and Fields of the Senate was called up for consideration.

Senator Fields moved to amend **HB 1392**, Page 1, by restoring the title and the enacting clause which amendment was declared adopted.

Senator Fields moved that **HB 1392** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 1392** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Daniels, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Loveless, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson and Yen.--36.

Nay: Brown, Dahm, Quinn, Silk and Sykes.--5.

Excused: Bass, Brecheen, David, Leewright, Marlatt and Treat.--6.

Vacancy: District 44.--1.

The bill passed.

**HB 1392** was referred for engrossment.

### **GENERAL ORDER**

**HB 1844** by Osborn (Leslie) of the House and Fields of the Senate was called up for consideration.

Senator Fields moved to amend **HB 1844**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1844** to the engrossed version of the bill.

Senator Fields moved that **HB 1844** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1844** was read for the third time at length.

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

Aye: Bergstrom, Bice, Boggs, Daniels, Fields, Griffin, Holt, Jech, Kidd, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Rader, Scott, Sharp, Shaw, Simpson, Stanislawski, Thompson and Yen.--23.

Nay: Allen, Brown, Dahm, Dossett, Dugger, Floyd, Fry, Loveless, Matthews, Pittman, Pugh, Quinn, Silk, Smalley, Sparks and Sykes.--16.

Excused: Bass, Brecheen, David, Leewright, Marlatt, Schulz, Standridge and Treat.--8.

Vacancy: District 44.--1.

The bill failed.

Pursuant to Rule 8-32, Senator Fields served notice that the vote be reconsidered whereby **HB 1844** failed.

**GENERAL ORDER**

**HB 1599** by Frix of the House and Quinn of the Senate was called up for consideration.

Senator Quinn moved that **HB 1599** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1599** 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, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Loveless, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson and Yen.--40.

Excused: Bass, David, Leewright, Marlatt, Schulz, Standridge and Treat.--7.

Vacancy: District 44.--1.

The bill and emergency passed.

**HB 1599** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1705** by McDaniel of the House and Quinn of the Senate was called up for consideration.

Senator Quinn moved that **HB 1705** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1705** 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, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Loveless, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson and Yen.--42.

Excused: Bass, David, Leewright, Marlatt and Treat.--5.

Vacancy: District 44.--1.

The bill and emergency passed.

**HB 1705** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2310** by Lepak of the House and Quinn of the Senate was called up for consideration.

Senator Quinn moved that **HB 2310** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2310** 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, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Loveless, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson and Yen.--42.

Excused: Bass, David, Leewright, Marlatt and Treat.--5.

Vacancy: District 44.--1.

The bill and emergency passed.

**HB 2310** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1620** by Munson of the House and Standridge of the Senate was called up for consideration.

Senator Standridge moved to amend **HB 1620**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Standridge moved that **HB 1620** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1620** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brown, Daniels, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Jech, Kidd, Leewright, Loveless, Matthews, McCortney, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Sparks, Standridge, Stanislawski and Yen.--36.

Nay: Brecheen, Dahm, Newberry, Silk and Sykes.--5.

Excused: Bass, David, Holt, Marlatt, Thompson and Treat.--6.

Vacancy: District 44.--1.

The bill passed.

**HB 1620** was referred for engrossment.

**GENERAL ORDER**

**HB 2039** by Wallace of the House and Standridge of the Senate was called up for consideration.

Senator Standridge moved to amend **HB 2039**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Standridge moved that **HB 2039** be advanced, which motion was declared adopted.



**THIRD READING**

**HB 2039** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Loveless, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson and Yen.--43.

Excused: Bass, David, Marlatt and Treat.--4.

Vacancy: District 44.--1.

The bill passed.

**HB 2039** was referred for engrossment.

**GENERAL ORDER**

**HB 1704** by McDaniel of the House and Brown of the Senate was called up for consideration.

Senator Brown moved that **HB 1704** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1704** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Loveless, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson and Yen.--44.

Excused: Bass, Marlatt and Treat.--3.

Vacancy: District 44.--1.

The bill passed.

**HB 1704** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1823** by Kannady and Jordan of the House and Paxton and Sykes of the Senate was called up for consideration.

Senator Paxton moved that **HB 1823** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1823** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Loveless, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Sparks, Standridge, Stanislawski, Sykes and Yen.--41.

Nay: Leewright, Smalley and Thompson.--3.

Excused: Bass, Marlatt and Treat.--3.

Vacancy: District 44.--1.

The bill passed.

**HB 1823** was referred for engrossment.

### **GENERAL ORDER**

**HB 2324** by Coody et al of the House and Scott of the Senate was called up for consideration.

Senator Scott moved **HB 2324** be laid over for this legislative day, which was the order.

**HB 2324** remains on General Order.

## **GENERAL ORDER**

**HB 1429** by Hilbert of the House and Leewright of the Senate was called up for consideration.

Senator Leewright moved that **HB 1429** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 1429** was read for the third time at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dugger, Fields, Fry, Griffin, Holt, Jech, Kidd, Leewright, Loveless, McCortney, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson and Yen.--38.

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

Excused: Bass, Marlatt, Newberry and Treat.--4.

Vacancy: District 44.--1.

The Chair advised that Senator Newberry, having been present in the Chamber during the vote on **HB 1429** would be shown voting Nay in compliance with Rule 8-31B. The vote thereby resulted as follows: Aye: 38; Nay: 6; Excused: 3.

The bill passed.

**HB 1429** was properly signed and ordered returned to the Honorable House.

## **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1006, 1162, 1163, 1206, 1233, 1381, 1395, 1448, 1492, 1506, 1601, 1621, 1755, 1789, 1790, 1949** and **1957**.

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

Advising the signing of and returning Enrolled **SCR 7**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 12, 21, 22, 23, 33, 34, 42, 45, 59, 64, 115, 151, 174, 180, 225, 231, 233, 322, 354, 358, 411, 508, 645, 682 and 688**.

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

Advising passage of and returning the following Engrossed bills:

**SB 14**

**SB 60**

**SB 117**

**SB 230:** coauthored by Representatives Osborn (Leslie), Munson, Virgin, West (Tammy), Baker, Teague and Nollan and Senators Daniels and Bice

**SB 234**

**SB 237**

**SB 254**

**SB 357**

**SB 403**

**SB 506:** coauthored by Senator Pittman and Representatives Dollens and Osborn (Leslie)

**SB 531**

**SB 600**

**SB 723:** coauthored by Senator Pittman

**SB 730**

**SB 734**

The above-numbered measures were referred for enrollment.

Advising passage of and transmitting for consideration Engrossed **HBs 2343, 2344 and 2350**.

**HB 2343** – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; amending Section 1, Chapter 338, O.S.L. 2012 (68 O.S. Supp. 2016, Section 1368.3), which relates to noncompliance procedures; modifying scope of procedures for enforcement of state tax laws by the Oklahoma Tax Commission; providing an effective date; and declaring an emergency.

**HB 2344** – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 3624, which relates to the Compete with Canada Film Act; modifying maximum amount of incentive payments; providing an effective date; and declaring an emergency.

**HB 2350** – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to sales tax; amending 68 O.S. 2011, Section 1356, as last amended by Section 1, Chapter 22, O.S.L. 2015 (68 O.S. Supp. 2016, Section 1356), which relates to sales tax exemptions; eliminating exemptions for tickets to certain types of professional athletic and sporting events; providing an effective date; and declaring an emergency.

The above-numbered measures were read the first time.

## **MESSAGE FROM THE HOUSE HAS TO SENATE BILLS**

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

**SB 94** - coauthored by Senator Scott and Representative Faught

**SB 211**

**SB 288** - coauthored by Senator Bergstrom

**SB 301** - coauthored by Representatives Hall and Downing

**SB 370**

**SB 371**

**SB 408** - coauthored by Representative Derby

**SB 717** - coauthored by Senator Scott

**SB 731**

House amendments were read on the above-numbered bills.

Senator Fields moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 19, 2017, at 1:30 p.m., which motion prevailed.

## **FIRST READING**

The following was introduced and read the first time:

**SR 17** – By Newhouse.

A Resolution congratulating the 2016 6A Division II State Football Champions, the Bixby Spartans; commending the team's achievements; and directing distribution.

**MESSAGE FROM THE HOUSE**

Advising the Honorable Senate that the members of the standing committee on Appropriations and Budget for the Fifty-sixth Oklahoma Legislature are the members of the standing General Conference Committee on Appropriations and Budget.

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 717** - Coauthored by Representative Nollan  
**HB 1104** - Coauthored by Senator Leewright  
**HCR 1006** - Coauthored by Representative Nollan  
Coauthored by Representative Ford  
Coauthored by Representative McDugle  
Coauthored by Representative Cleveland  
Coauthored by Representative Brumbaugh  
Coauthored by Representative McEachin  
Coauthored by Representative Calvey  
Coauthored by Representative West (Rick)  
Coauthored by Representative Derby  
Coauthored by Representative Rogers  
Coauthored by Representative Worthen  
Coauthored by Representative Faught  
Coauthored by Representative Enns  
Coauthored by Representative Moore  
Coauthored by Representative Jordan

Pursuant to the Fields motion, the Senate adjourned at 10:50 a.m. to meet Wednesday, April 19, 2017, at 1:30 p.m.