

# Senate Journal

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

**Fifty-seventh Legislative Day, Monday, May 15, 2017**

The Senate was called to order by Senator Fields.

Roll Call:

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

Vacancy: Districts 44 and 45.—2.

Senator Griffin declared a quorum present.

The prayer was offered by Pastor Kelvin Batten, International Christian Empowerment Center, Tulsa, the guest of Senator Newhouse.

### **DEDICATION**

Former Senator Charles Ford presented a portrait of Main Street Tulsa, I. T. 1893, sponsored by Former Senator Mike Mazzei. Senator Ford introduced the artist, Wayne Cooper, who introduced his wife, Clara, and his granddaughter, Wendi Wiltfang, and addressed the Senate. Artist Wayne Cooper presented the portrait as a gift to the Senate.

### **PENDING CONSIDERATION OF HAS**

**HAs to SB 741** were concurred in upon motion of Senator Pugh.

**SB 741**, 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, Bass, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--44.

Excused: Schulz and Sparks.--2.

Vacancy: Districts 44 and 45.--2.

The bill passed.

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

#### **EXECUTIVE NOMINATIONS**

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

Gillert, Thomas (Tom), Tulsa, to the Oklahoma State Council for Interstate Adult Offender Supervision, to serve a three-year term ending June 30, 2020, succeeding himself. (Judiciary Committee) Motion to confirm made by Senator Dave Rader.

Otwell, David M., Edmond, to the Polygraph Examiners Board, to serve a six-year term ending May 17, 2023, succeeding himself. (Judiciary Committee) Motion to confirm made by Senator Adam Pugh.

Pope, Don G., Norman, to the Oklahoma Indigent Defense System Board, to serve a five-year term ending July 1, 2022, succeeding himself. (Judiciary Committee) Motion to confirm made by Senator Rob Standridge.

Russell, Jordan K., Oklahoma City, to the Oklahoma Workers' Compensation Commission, to serve an unexpired term ending August 25, 2019, succeeding LeRoy Young. (Judiciary Committee) Motion to confirm made by Senator Ervin Yen.

Teuscher, David H., Norman, to the Polygraph Examiners Board, to serve an unexpired term ending May 17, 2019, succeeding Dennis McGrath. (Judiciary Committee) Motion to confirm made by Senator Anastasia Pittman on behalf of Senator John Sparks.

Tilly, Megan B., Oklahoma City, to the Oklahoma Workers' Compensation Commission, to serve a six-year term ending August 25, 2023, succeeding Robert H. Gilliland, Jr. (Judiciary Committee) Motion to confirm made by Senator Ervin Yen.

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

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

Excused: Schulz and Sparks.--2.

Vacancy: Districts 44 and 45.--2.

Senator Bice moved that the Senate recess to the Call of The Chair, which motion was declared adopted.

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The Senate reconvened with Senator Marlatt presiding.

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

#### **PENDING CONSIDERATION OF JCR**

The **JCR** on **HB 2360** was adopted upon motion of Senator David.

Pursuant to the provisions of subsection (b) of Joint Rule 8, which allows the membership of a single chamber to suspend the Joint Rules by a 2/3 vote of the membership of a single chamber on a matter affecting actions of that chamber only, Senator Treat moved to suspend the provisions of Joint Rules 3 and 4.9 and Senate Rules 6-8(B) and 8-23(A) to allow the Senate to consider Floor Amendment 1 to **HB 2360**, which motion was declared adopted upon roll call as follows:

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

Nay: Bass and Brecheen.--2.

Excused: Sykes.--1.

Vacancy: Districts 44 and 45.--2.

Senator David moved to amend **HB 2360**, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure, which amendment was declared adopted. (Copies were provided for all Senators.)

**HB 2360**, as amended, was read at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brown, Daniels, David, Dugger, Fields, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Standridge, Stanislawski, Thompson, Treat and Yen.--36.

Nay: Bass, Brecheen, Dahm, Dossett, Floyd, Matthews, Pittman, Sparks and Sykes.--9.

Excused: Paxton.--1.

Vacancy: Districts 44 and 45.--2.

The Chair advised that Senator Paxton, having been present in the Chamber during the vote on **HB 2360** would be shown voting Nay in compliance with Rule 8-31B. The vote thereby resulted as follows: Aye: 36; Nay: 10; Excused: 0; Vacancy: Districts 44 and 45: 2.

The bill passed.

Senators Dahm and Paxton desired to vote Aye on the emergency.

On the question of passage of the emergency on Sections 9, 12, 13, 14 and 15, the vote resulted as follows: Aye: 38; Nay: 8; Excused: 0; Vacancy: Districts 44 and 45: 2.

The emergency passed.

**HB 2360** was referred for engrossment.

## **MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 166, 242, 252, 397, 467, 495** and **748**.

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

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

- SB 105** - GCCA
- SB 144** - Public Health
- SB 353** - GCCA
- SB 643** - Judiciary - Criminal Justice and Corrections
- SB 737** - Judiciary – Civil and Environmental
- SB 774** - GCCA
- SB 799** - General Government Oversight and Accountability

Advising fourth reading of and transmitting for signature Enrolled **HBs 1235, 1478, 1540, 1703, 1856** and **2252**.

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

Advising passage of and transmitting for consideration Engrossed **HBs 2367** and **2380**.

**HB 2367** – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; repealing 68 O.S. 2011, Section 1367.1, as last amended by Section 3, Chapter 329, O.S.L. 2014 (68 O.S. Supp. 2016, Section 1367.1), which relates to certain deductions from sales tax collections; repealing 68 O.S. 2011, Section 1410.1, which relates to certain deductions from use tax collections; providing an effective date; and declaring an emergency.

**HB 2380** – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; authorizing Oklahoma Tax Commission to establish Voluntary Disclosure Initiative; providing procedures for waiver of penalty and interest; imposing time limit; requiring abatement of interest and penalty; providing for abatement of collection fees; defining term; designating eligible tax types; prescribing requirements for eligibility to participate in Voluntary Disclosure Initiative; providing for waiver of certain amounts by operation of law; providing for limitation on period for assessment; authorizing modified voluntary disclosure agreements; prescribing requirements for modified voluntary disclosure agreements; providing for effect of waivers; authorizing expenditure of funds; authorizing contracts with third parties; providing for exemption from certain procedures; authorizing administrative rules; requiring programs related to certain tax collection requirements; prescribing content of program; providing for

certain visits by Oklahoma Tax Commission personnel; prescribing scope of authorized activity; requiring visits be conducted according to certain standard; amending 68 O.S. 2011, Section 256, which relates to a taxpayer assistance program; providing for authorized expenditures for purposes related to tax compliance and education program; providing for codification; providing an effective date; and declaring an emergency.

The above-numbered measures were read the first time.

### **EXECUTIVE NOMINATION**

The following executive nomination was read and referred to the committee indicated:

Alford, Clay A., Valliant, as a member of the Board of Trustees for Southeastern Oklahoma State University-McCurtain County Campus - Education

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 16, 2017, at 9:30 a.m., which motion prevailed.

### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**HB 2360** was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SB 870** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### **SECOND READING**

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

**SB 872** – Joint Committee on Appropriations and Budget

### **CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 185** - Coauthored by Senator Shaw  
Coauthored by Senator Jech

**SB 689** - Coauthored by Senator Jech

**SB 748** - Coauthored by Senator Floyd

**SB 793** - Coauthored by Senator Jech

**SB 861** - Coauthored by Representative McBride

**MESSAGES FROM THE GOVERNOR**

Advising her approval May 15, 2017, of Enrolled SBs **28, 40, 170, 323, 370, 428, 438, 476, 565** and **653**.

Advising her veto on May 15, 2017, of Enrolled **SB 424**.

The veto message read as follows:

May 15, 2015

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

**ENROLLED SENATE BILL NO. 424**

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 424.

Senate Bill 424 creates a change in the Oklahoma discovery code by amending the rules of service on interrogatories. This amendment creates a conflict between the Oklahoma discovery code and the Federal discovery code. Additionally, these changes could create a delay for litigants in the final outcome of a lawsuit.

My office has not received any contact from those involved in the civil litigation system indicating this legislation is a solution to an ongoing issue.

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

Pursuant to the Treat motion, the Senate adjourned at 4:40 p.m. to meet Tuesday, May 16, 2017, at 9:30 a.m.