

# Senate Journal

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

Sixty-first Legislative Day, Friday, May 19, 2017

The Senate was called to order by Senator Dahm.

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, Yen.—46.

Vacancy: Districts 44 and 45.—2.

Senator Dahm declared a quorum present.

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

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SB 870** was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 19** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2351** was adopted upon motion of Senator David.

**HB 2351** was read at length.

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

Aye: Bergstrom, Bice, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Holt, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Paxton, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Sparks, Stanislawski and Yen.--31.

Nay: Allen, Boggs, Brecheen, Dahm, Fry, Jech, Newhouse, Pederson, Standridge, Sykes and Treat.--11.

Excused: Bass, Brown, Silk and Thompson.--4.

Vacancy: Districts 44 and 45.--2.

The bill passed.

**HB 2351**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 55** were concurred in upon motion of Senator Sharp.

**SB 55**, 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, Bergstrom, Bice, Boggs, Brecheen, 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, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--43.

Excused: Bass, Brown and Silk.--3.

Vacancy: Districts 44 and 45.--2.

The bill passed.

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

**PENDING CONSIDERATION OF CCR**

Senator Fields moved to adopt the **CCR** on **SB 326**.

Senator Sykes raised a point of order that the conference committee report on **SB 326** is out of order as it is not germane to the subject of **SB 326** and violates Senate Rules 8-23B and 8-27A.

The Chair ruled Senate Rule 8-23B pertains to amendments and therefore is not applicable to conference committee reports and is not a proper point of order. The Chair further ruled that Senate Rule 8-27A as it relates to conference committee reports is applicable and the point of order is well taken and the conference committee report is ruled out of order.

Senator Fields moved to suspend Senate Rule 8-27A for the purpose of waiving germaneness of the conference committee report on **SB 326**, which motion failed of adoption upon roll call as follows:

Aye: Bergstrom, Bice, Boggs, Dahm, David, Dossett, Dugger, Fields, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, McCortney, Newberry, Paxton, Pederson, Pemberton, Pittman, Pugh, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Sparks, Stanislawski, Thompson and Treat.--31.

Nay: Allen, Brecheen, Daniels, Floyd, Fry, Matthews, Newhouse, Quinn, Rader, Standridge, Sykes and Yen.--12.

Excused: Bass, Brown and Silk.--3.

Vacancy: Districts 44 and 45.--2.

Pursuant to Rule 8-32, Senator Brecheen served notice that the vote be reconsidered whereby the motion to suspend Senate Rule 8-27A failed.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 342** was adopted upon motion of Senator Holt.

**SB 342**, as amended in conference, was read at length.

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

Aye: Allen, Bass, Bergstrom, Bice, Boggs, Brecheen, 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, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--43.

Excused: Brown, Silk and Sparks.--3.

Vacancy: Districts 44 and 45.--2.

The bill and emergency passed.

**SB 342**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 727** was adopted upon motion of Senator Griffin.

**SB 727**, as amended in conference, was read at length.

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

Aye: Bass, Bergstrom, Bice, Boggs, Brecheen, 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, Simpson, Smalley, Standridge, Stanislawski, Sykes, Treat and Yen.--40.

Nay: Allen.--1.

Excused: Brown, Schulz, Silk, Sparks and Thompson.--5.

Vacancy: Districts 44 and 45.--2.

The bill passed.

**SB 727**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1534** was adopted upon motion of Senator Leewright.

**HB 1534**, as amended in conference, was read at length.

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

Aye: Allen, Bass, Bergstrom, Bice, Boggs, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Holt, Jech, Leewright, Marlatt, Matthews, McCortney, Newberry, Paxton, Pederson, Pemberton, Pittman, Pugh, Rader, Scott, Sharp, Shaw, Simpson, Smalley, Stanislawski, Thompson, Treat and Yen.--34.

Nay: Brecheen, Dahm, Fry, Newhouse, Quinn, Standridge and Sykes.--7.

Excused: Brown, Kidd, Schulz, Silk and Sparks.--5.

Vacancy: Districts 44 and 45.--2.

The bill passed.

**HB 1534**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SBs 46, 196 and 661** were rejected upon motion of Senator Treat, conference requested, and Senate conferees to be named later.

Senator Treat 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 Dahm presiding.

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

#### **MESSAGES FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 2377 and 2414** and **HJRs 1029 and 1030**.

**HB 2377** – 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 1001, as last amended by Section 1, Chapter 346, O.S.L. 2014 (68 O.S. Supp. 2016, Section 1001), which relates to gross production taxes; limiting period where certain exemptions and

rebates may be claimed; clarifying references; limiting period where claims may be submitted and accepted; providing delayed payment schedule for certain refunds; requiring provision of payment schedule to certain entities; amending 68 O.S. 2011, Section 1001.3a, as last amended by Section 1, Chapter 383, O.S.L. 2016 (68 O.S. Supp. 2016, Section 1001.3a), which relates to economically at-risk oil or gas leases; limiting period where exemption is applicable; modifying periods whereby claims may be submitted; prohibiting the acceptance or payment of claims after certain dates; providing delayed payment schedule for certain refunds; requiring provision of payment schedule to certain entities; providing an effective date; and declaring an emergency.

**HB 2414** – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; stating purpose; imposing additional tax levy upon cigarettes; specifying amount of additional levy; providing for apportionment of revenues to certain funds; exempting levy from inclusion in determination of certain amounts; requiring certain collections and administration of levy; creating the Health Care Authority Enhancement Fund, the Mental Health and Substance Abuse Services Enhancement Fund, the Human Services Enhancement Fund, the University Hospitals Enhancement Fund, the Oklahoma State University Medical Authority Enhancement Fund, the Health Department Enhancement Fund, and the Health Care Enhancement Fund; exempting funds from fiscal year limitations; identifying funding source; declaring funds appropriated; authorizing appropriation from certain fund; requiring legislative authorization for budgeting and expenditure; requiring certain budgeting procedures; prohibiting sale of cigarette excise tax stamps to wholesalers in excess of certain amount; providing exception; stating purpose; imposing tax on gasoline and diesel fuel for certain period; establishing amount of tax per gallon; requiring deposit of certain revenue, penalties and interest in certain fund; amending 68 O.S. 2011, Section 500.10, which relates to exemption from motor fuels tax; extending exemptions to additional tax levy; amending 69 O.S. 2011, Section 1521, as last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp. 2016, Section 1521), which relates to the Rebuilding Oklahoma Access and Driver Safety Fund; modifying calculation of certain annual apportionments; amending 68 O.S. 2011, Section 1001, as last amended by Section 1, Chapter 346, O.S.L. 2014 (68 O.S. Supp. 2016, Section 1001), which relates to gross production tax; modifying rate for well spudded after a certain date; providing for codification; and providing for noncodification.

**HJR 1029** – By Jordan 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.

**HJR 1030** – By Jordan of the House and Dahm of the Senate.

A Joint Resolution disapproving permanent rule of the Oklahoma Health Care Authority Board; stating legislative intent; and directing distribution.

The above-numbered measures were read the first time.

Advising passage of and returning the following Engrossed bill:

**SB 840** - (Emergency Failed)

The above-numbered measure was referred for enrollment.

Advising fourth reading of and returning Enrolled **SB 870**.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1169** and **2351**.

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

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

**SB 46** - Conference Committee on General Government, Oversight and Accountability  
**SB 196** - Conference Committee on Transportation

#### **CONFERENCE COMMITTEE REPORT SUBMITTED**

Conference committee report was read on the following bill:

**SB 643**

#### **SCs NAMED**

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

**SB 46** – Dahm, Kidd, Daniels, Boggs, Fry, Floyd, Pittman

**SB 196** – GCCA

**SB 661** – Sparks, Sykes, Standridge, Newhouse, Pugh, Floyd, Smalley

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Saturday, May 20, 2017, at 9:30 a.m., which motion prevailed.

**COMMITTEE REPORTS**

The following were reported by the committee named, ordered printed and placed on the Calendar:

DO PASS:

**SB 839** – Joint Committee on Appropriations and Budget

Senate:

Ayes: Allen, Bergstrom, Bice, Boggs, Dahm, Daniels, David, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Matthews, McCortney, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Rader, Scott, Sharp, Shaw, Simpson, Smalley, Sparks, Stanislawski, Thompson

Nays: Brecheen, Quinn, Silk, Standridge, Sykes

House:

Ayes: Bennett (J), Caldwell, Calvey, Casey, Cockroft, Dunnington, Echols, Henke, Jordan, Kouplen, Loring, Martin, Murphey, O'Donnell, Ortega, Osborn (L), Ownbey, Pfeiffer, Roberts (D), Russ, Sears, Virgin, Wallace.

DO PASS, As Amended:

**CS for SB 867** – Joint Committee on Appropriations and Budget

Senate:

Ayes: Allen, Bice, Boggs, Brown, Dahm, Daniels, David, Dugger, Fields, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Newberry, Paxton, Pederson, Pemberton, Pugh, Rader, Schulz, Sharp, Shaw, Silk, Standridge, Stanislawski, Sykes, Thompson, Treat, Yen

Nays: Bergstrom, Brecheen, Dossett, Floyd, Matthews, Pittman, Scott, Simpson, Smalley, Sparks

House:

Ayes: Bennett (J), Calvey, Cockroft, Echols, Henke, Jordan, O'Donnell, Ortega, Osborn (L), Pfeiffer, Roberts (D), Russ, Sanders, Sears, Wallace.

Nays: Casey, Dunnington, Kouplen, Loring, Martin, Murphey, Ownbey, Virgin.

**FIRST READING**

The following were introduced and read the first time:

**SB 873** – By David and Fields of the Senate and Osborn (Leslie) and Wallace of the House.

An Act relating to public finance; amending 62 O.S. 2011, Section 34.67, as amended by Section 390, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2016, Section 34.67), which relates to claims and payrolls; specifying certain duty of Director of Office of Management and Enterprise Services; providing an effective date; and declaring an emergency.



**SB 874** – By David and Fields of the Senate and Osborn (Leslie) and Wallace of the House.

An Act relating to public finance; amending 62 O.S. 2011, Section 34.67, as amended by Section 390, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2016, Section 34.67), which relates to claims and payrolls; specifying certain duty of Director of Office of Management and Enterprise Services; providing an effective date; and declaring an emergency.

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

The following measures were authored/coauthored:

**SB 342** - Coauthored by Senator Pittman

**SB 793** - Remove as principal author Representative ODonnell and substitute with Representative Downing

#### **MESSAGES FROM THE GOVERNOR**

Advising her approval May 20, of Enrolled **SBs 166, 242, 252, 397** and **748**.

#### **MOTION EXPIRED**

Time expired for consideration of the motion to reconsider the vote whereby the suspension of Senate Rule 8-27A as it pertains to **SB 326** failed.

Pursuant to the Treat motion, the Senate adjourned at 4:10 p.m. to meet Saturday, May 20, 2017, at 9:30 a.m.