

# Senate Journal

## Second Regular Session of the Fifty-fifth Legislature of the State of Oklahoma

**Fifty-third Legislative Day, Wednesday, May 4, 2016**

The Senate was called to order by Senator Dahm.

Roll Call:

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

Excused: Garrison, Griffin, Paddack and Standridge.—4.

Senator Dahm declared a quorum present.

The prayer was offered by Pastor Danny Hester, Church of Sunday, Grove, the guest of Senator Shaw.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1150** and **1214** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 58** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### INTRODUCTIONS

Senator Sparks introduced former Senator Kelly Haney; and Senator Marlatt introduced his wife, Tatum, and their daughter, Ava, to the Senate.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Boggs asked unanimous consent to refer **SR 63** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 63** by Boggs was called up for consideration.

All other members of the Senate asked to coauthor **SR 63**, which was the order.

**SR 63** was adopted upon motion of Senator Boggs and referred for enrollment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Fields asked unanimous consent to refer **SR 62** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 62** by Fields was called up for consideration.

All other members of the Senate asked to coauthor **SR 62**, which was the order.

**SR 62** was adopted upon motion of Senator Fields and referred for enrollment.

**Senator Fields presiding.**

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1388** were concurred in upon motion of Senator David.

**SB 1388**, 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, Bingman, Boggs, Brooks, Brown, David, Dossett, Fields, Floyd, Ford, Fry, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Simpson, Smalley, Sparks, Stanislawski, Thompson, Treat, Wyrick and Yen.--37.

Nay: Allen, Brecheen, Crain, Dahm, Shortey and Sykes.--6.

Excused: Garrison, Griffin, Paddack, Silk and Standridge.--5.

The bill and emergency passed.

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

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

**HAs to SB 687** were concurred in upon motion of Senator Sykes.

**SB 687**, as amended by the Honorable House, was read at length.

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

Aye: Anderson, Barrington, Bice, Boggs, Brooks, Brown, Crain, Dossett, Fields, Floyd, Ford, Fry, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Simpson, Sparks, Stanislawski, Sykes, Thompson, Wyrick and Yen.--34.

Nay: Allen, Brecheen, Dahm, Shortey, Smalley and Treat.--6.

Excused: Bass, Bingman, David, Garrison, Griffin, Paddack, Silk and Standridge.--8.

The bill passed.

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

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

**HAs to SB 1071** were concurred in upon motion of Senator Newberry.

**SB 1071**, 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, Bice, Boggs, Brecheen, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--40.

Excused: Bass, Bingman, Garrison, Griffin, Matthews, Paddack, Silk and Standridge.--8.

The bill passed.

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

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

**HAs** to **SB 1083** were concurred in upon motion of Senator Newberry.

**SB 1083**, 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, Bice, Brooks, Brown, Crain, David, Dossett, Fields, Floyd, Ford, Fry, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shortey, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat and Yen.--36.

Nay: Bass, Boggs, Brecheen, Dahm, Shaw and Wyrick.--6.

Excused: Bingman, Garrison, Griffin, Paddack, Silk and Standridge.--6.

The bill passed.

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

#### **MOTION TO RECONSIDER VOTE**

Senator Jolley moved to reconsider the vote whereby **SB 1227** failed, which motion was declared adopted upon roll call as follows:

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

Nay: Brecheen.--1.

Excused: Bingman, Garrison, Griffin, Newberry, Paddack, Silk, Simpson and Standridge.--8.

#### **FOURTH READING**

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

Aye: Allen, Anderson, Barrington, Bice, Boggs, Brooks, Brown, Crain, David, Dossett, Fields, Floyd, Ford, Fry, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Newberry, Pittman, Quinn, Schulz, Sharp, Shortey, Simpson, Smalley, Sparks, Stanislawski, Thompson, Treat and Yen.--35.

Nay: Bass, Brecheen, Dahm, Mazzei, Shaw, Sykes and Wyrick.--7.

Excused: Bingman, Garrison, Griffin, Paddack, Silk and Standridge.--6.

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

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

**HAs** to **SB 1202** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1717, 3109** and **3167**.

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 **SBs 1150** and **1214**.

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

Advising the Honorable Senate that the House has rescinded the rejection of the Engrossed SAs and request for conference on **HB 2757**.

Advising rejection of **SAs** to the following bills, requesting conference and naming House conferees as follows:

- HB 1549** – Conference Committee on Energy and Natural Resources
- HB 2267** – GCCA
- HB 2397** – Conference Committee on Judiciary and Civil Procedure
- HB 2646** – Conference Committee on County and Municipal Government
- HB 2777** – GCCA

Advising concurrence in **SAs** to and passage of Engrossed **HBs 2497** and **2757**.

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Schulz, the request of the Honorable House for conference on **HBs 2527, 2551, 2898, 3157, 3159, and 3160** was ordered granted and bills referred to GCCA.

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Schulz, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

- HB 1654** – Sharp, Brecheen, Marlatt, Schulz, Shaw, Wyrick, Paddock
- HB 2205** – Sykes, Bingman, Jolley, Marlatt, Treat, Floyd, Sparks
- HB 2436** – Justice, Newberry, Griffin, Dahm, Fields, Bass, Wyrick
- HB 2626** – Thompson, Newberry, David, Jech, Silk, Floyd, Matthews
- HB 3028** – Halligan, Ford, Smalley, Shaw, Quinn, Dossett, Pittman
- HB 3162** – Bingman, Justice, Sykes, Treat, Dahm, Garrison, Bass

**SCs NAMED**

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

- SB 1380** – GCCA
- SB 1490** – Jech, Stanislawski, Silk, Bice, Sharp, Matthews, Wyrick
- SB 1496** – Newberry, Bice, Halligan, Thompson, Sykes, Matthews, Bass

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 5, 2016, at 9:30 a.m., which motion prevailed.

**FIRST READING**

The following were introduced and read the first time:

**SB 1578** – 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 2357.46, which relates to income tax credit for expenditures incurred by certain contractors; limiting time period during which certain credit shall be allowed; and providing an effective date.

**SB 1579** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to tax administration; directing Oklahoma Tax Commission to enhance agency enforcement efforts related to sales, use and income tax; specifying types of enforcement efforts; amending 68 O.S. 2011, Section 1002, which relates to gross production tax procedures; directing Oklahoma Tax Commission to enhance agency enforcement efforts related to gross production tax; specifying types of enforcement efforts; providing for noncodification; providing an effective date; and declaring an emergency.

**SB 1580** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to income tax credit; amending Section 1, Chapter 421, O.S.L. 2014 (68 O.S. Supp. 2015, Section 2357.403), which relates to income tax credit for investment in qualified affordable housing projects; providing exception to total amount of credits allocated annually; modifying total amount of credits allocated for specified time periods; and providing an effective date.

**SB 1581** – By Jolley and Treat of the Senate and Casey and Sears 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 1582** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to income tax credits; amending 68 O.S. 2011, Section 2357.4, as amended by Section 1, Chapter 336, O.S.L. 2015 (68 O.S. Supp. 2015, Section 2357.4), which relates to tax credits for investment in depreciable property or net increase in employees; 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; and providing an effective date.

**CHANGE IN AUTHORS/COAUTHORS**

The following measure was authored/coauthored:

**SB 1388** - Coauthored by Shaw

**MESSAGES FROM THE GOVERNOR**

Advising her approval May 4, 2016, of Enrolled **SB's 1036, 1069, 1149, 1200** and **1318**.

Pursuant to the Schulz motion, the Senate adjourned at 3:05 p.m. to meet Thursday, May 5, 2016, at 9:30 a.m.