

Senate Journal

First Regular Session of the Fifty-eighth Legislature of the State of Oklahoma

Fifty-ninth Legislative Day, Monday, May 17, 2021

The Senate was called to order by Senator Daniels.

Roll Call:

Present: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, McCortney, Merrick, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.—47.

Excused: Matthews.—1.

Senator Daniels declared a quorum present.

The prayer was offered by Senator Brent Howard.

INTRODUCTION

Senator Stephens introduced his wife, Kathy, to the Senate.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1037** was adopted upon motion of Senator Pemberton.

SB 1037 was read at length.

The Presiding Officer recognized the Secretary of the Senate who advised the Chair of a malfunction with the voting system. A voice vote was taken on the question of passage of the bill and emergency, which the vote resulted as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, McCortney, Merrick, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--44.

Nays: Dahm and Hamilton—2.

Excused: Matthews and Quinn.—2.

The bill and emergency passed.

SB 1037 was referred for engrossment.

FIRST READING

The following was introduced and read the first time:

SR 22 – By Treat.

A Resolution reaffirming Oklahoma's support of Israel.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Treat asked unanimous consent to refer **SR 22** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 22 by Treat was called up for consideration.

SR 22 was adopted upon motion of Senator Treat and referred for enrollment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1038** was adopted upon motion of Senator Pemberton.

SB 1038 was read at length.

The Presiding Officer recognized the Secretary of the Senate who advised the Chair of an apparent system-wide voting machine malfunction. The voice vote on the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, McCortney, Merrick, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--46.

Excused: Matthews and Quinn.—2.

The bill and emergency passed.

SB 1038 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1059** was adopted upon motion of Senator Jech.

SB 1059 was read at length.

The Presiding Officer recognized the Secretary of the Senate who advised the Chair of an apparent system-wide voting machine malfunction. The voice vote on the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--43.

Nay: Dahm, Hamilton and Merrick.—3.

Excused: Matthews and Quinn.—2.

The bill and emergency passed.

SB 1059 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1077** was adopted upon motion of Senator Hall.

SB 1077 was read at length.

The Presiding Officer recognized the Secretary of the Senate who advised the Chair of an apparent system-wide voting machine malfunction. The voice vote on the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, McCortney, Merrick, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--44.

Nay: Dahm and Hamilton.—2.

Excused:, Matthews and Quinn.—2.

The bill and emergency passed.

SB 1077 was referred for engrossment.

STANDING COMMITTEE MEMBERSHIP

Pursuant to the provisions of Senate Rule 7-2(1), President Pro Tempore Treat moved that the following changes be made to the Senate standing committee membership, which motion was declared adopted:

Senator Jake A. Merrick was appointed to the following Senate standing committees: Agriculture and Wildlife, Education, Energy and the Appropriations Subcommittee on Natural Resources and Regulatory Services.

PENDING CONSIDERATION OF HAS

HAs to **SB 131** were rejected upon motion of Senator David, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

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

SB 131 - Conference Committee on Public Health

Advising passage of and transmitting for consideration Engrossed **HBs 2890, 2893, 2894, 2899 and 2912** and **HCR 1009**.

HB 2890 – By Wallace and Hilbert of the House and Thompson and Hall of the Senate.

An Act relating to school funding; amending 70 O.S. 2011, Section 18-200.1, as amended by Section 11 of Enrolled Senate Bill No. 1064 of the 1st Session of the 58th Oklahoma Legislature, which relates to State Aid; prohibiting assessment of carryover penalty in certain fiscal years; amending 70 O.S. 2011, Section 18-200.1, as amended by Section 1 of Enrolled House Bill No. 2078 of the 1st Session of the 58th Oklahoma Legislature, which relates to State Aid; modifying years of data to be used for the July per pupil revenue calculation; prohibiting assessment of carryover penalty in certain fiscal years; amending 70 O.S. 2011, Section 18-201.1, as last amended by Section 2 of Enrolled House Bill No. 2078 of the 1st Session of the 58th Oklahoma Legislature, which relates to school district weighted membership; adjusting years of data to be used for July projected per pupil revenue calculation; modifying years to be excluded in the projected total revenue calculations; providing an effective date; and declaring an emergency.

HB 2893 – By Wallace and Hilbert of the House and Thompson and Hall of the Senate.

An Act relating to insurance premium tax; amending 36 O.S. 2011, Section 312.1, as last amended by Section 1, Chapter 16, O.S.L. 2020 (36 O.S. Supp. 2020, Section 312.1), which relates to the apportionment of collections; increasing certain apportionments in certain fiscal years; decreasing certain apportionments in certain fiscal years; eliminating certain apportionments; providing an effective date; and declaring an emergency.

HB 2894 – By Wallace and Hilbert of the House and Thompson and Hall of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 1353, as last amended by Section 1, Chapter 15, O.S.L. 2020 (68 O.S. Supp. 2020, Section 1353), which relates to apportionment of sales tax collections; increasing certain apportionments for certain fiscal years; decreasing certain apportionments for certain fiscal years; amending 68 O.S. 2011, Section 1403, as last amended by Section 2, Chapter 15, O.S.L. 2020 (68 O.S. Supp. 2020, Section 1403), which relates to the apportionment of use tax collections; increasing certain apportionments for certain fiscal years; decreasing certain apportionments for certain fiscal years; amending 68 O.S. 2011, Section 2352, as last amended by Section 3, Chapter 15, O.S.L. 2020 (68 O.S. Supp. 2020, Section 2352), which relates to apportionment of income tax collections; increasing certain apportionments for certain fiscal years; decreasing certain apportionments for certain fiscal years; providing an effective date; and declaring an emergency.

HB 2899 – By Wallace, Hilbert, Lawson and Davis of the House and Thompson and Hall of the Senate.

An Act relating to the Department of Human Services; limiting applications for certain home- and community-based services; requiring the promulgation of rules; providing for codification; providing an effective date; and declaring an emergency.

HB 2912 – By Wallace and Hilbert of the House and Thompson and Hall of the Senate.

An Act relating to court costs and fees; amending 28 O.S. 2011, Section 152, as last amended by Section 7, Chapter 354, O.S.L. 2019 (28 O.S. Supp. 2020, Section 152), which relates to flat fee schedule; modifying period of applicability of certain fee; and providing an effective date.

HCR 1009 – By Miller and Lepak of the House and David of the Senate.

A Concurrent Resolution declaring opposition to certain federal mandate regarding driver licenses; urging the Governor to submit certain written opposition to the mandate; calling on the Legislature to prevent the United States Secretary of Transportation from withholding certain apportionments; and directing distribution.

The above-numbered measures were read the first time.

Advising concurrence in **SAs** to and passage of Engrossed **HB 1124**.

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

HB 1044

HB 1784

HB 2029

HB 2293

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1849, 2272** and **2863**.

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

SCs NAMED

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

SB 131 – McCortney, Treat, Thompson, Garvin, Rosino, Hicks, Floyd

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 66

SB 608

Senator David moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 18, 2021, at 1:30 p.m., which motion prevailed.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1037, 1038, 1059 and **1077** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

COMMITTEE REPORTS

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

DO PASS, As Amended:

CS for SB 1044 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dossett (J.J.), Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Kirt, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

House:

Ayes: Baker, Bennett, Blancett, Boatman, Dills, Echols, Fetgatter, Ford, Goodwin, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Munson, Newton, Nichols, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Virgin, Wallace, West (J), West (T).--34

CS for SB 1045 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Dugger, Hall, Haste, Howard, Jech, Kidd, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

Nays: Brooks, Dossett (J.J.), Floyd, Kirt

House:

Ayes: Baker, Boatman, Dills, Echols, Fetgatter, Ford, Hilbert, Hill, Kannady, Lawson, Martinez, McDugle, Miller, Mize, Newton, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Wallace, West (J), West (T).--25

Nays: Bennett, Blancett, Goodwin, Lepak, McEntire, Munson, Nichols, Virgin, Walke.--9

CS for SB 1046 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Kirt, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

Nays: Dossett (J.J.)

House:

Ayes: Baker, Bennett, Blancett, Boatman, Dills, Echols, Fetgatter, Ford, Goodwin, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Munson, Newton, Nichols, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Virgin, Walke, Wallace, West (J), West (T).--35

CS for SB 1047 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dossett (J.J.), Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Kirt, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

House:

Ayes: Baker, Bennett, Blancett, Boatman, Dills, Echols, Fetgatter, Ford, Goodwin, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Munson, Newton, Nichols, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Virgin, Walke, Wallace, West (J), West (T).--34

CS for SB 1054 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dossett (J.J.), Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Kirt, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

House:

Ayes: Baker, Bennett, Blancett, Boatman, Dills, Echols, Fetgatter, Ford, Goodwin, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Munson, Newton, Nichols, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Virgin, Walke, Wallace, West (J), West (T).--35

CS for SB 1057 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dossett (J.J.), Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Kirt, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

House:

Ayes: Baker, Bennett, Blancett, Boatman, Dills, Echols, Fetgatter, Ford, Goodwin, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Munson, Newton, Nichols, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Virgin, Walke, Wallace, West (J), West (T).--35

CS for SB 1067 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Dugger, Hall, Haste, Howard, Jech, Kidd, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Treat, Weaver

Nays: Brooks, Dossett (J.J.), Floyd, Kirt

House:

Ayes: Baker, Bennett, Blancett, Boatman, Dills, Echols, Fetgatter, Ford, Goodwin, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Munson, Newton, Nichols, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Virgin, Walke, Wallace, West (J), West (T).--35

CS for SB 1073 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dossett (J.J.), Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Kirt, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

House:

Ayes: Baker, Bennett, Blancett, Boatman, Dills, Echols, Fetgatter, Ford, Goodwin, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Munson, Newton, Nichols, Osburn, Roberts (D), Roberts (S), Russ, Sterling, Strom, Virgin, Walke, Wallace, West (J), West (T).--34

CS for SB 1076 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dossett (J.J.), Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

Nays: Kirt

House:

Ayes: Baker, Bennett, Blancett, Boatman, Dills, Echols, Fetgatter, Ford, Goodwin, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Munson, Newton, Nichols, Osburn, Roberts (D), Roberts (S), Russ, Sterling, Strom, Virgin, Walke, Wallace, West (J), West (T).--34

CS for SB 1078 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dossett (J.J.), Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

Nays: Kirt

House:

Ayes: Baker, Boatman, Dills, Echols, Fetgatter, Ford, Hilbert, Hill, Kannady, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Newton, Nichols, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Walke, Wallace, West (J), West (T).--29

Nays: Bennett, Blancett, Goodwin, Munson, Virgin.--5

CS for SB 1080 – Joint Committee on Appropriations and Budget

Senate:

Ayes: David, Dugger, Hall, Haste, Howard, Jech, Kidd, Montgomery, Newhouse, Pederson, Rader, Rosino, Simpson, Thompson, Treat, Weaver

Nays: Brooks, Dossett (J.J.), Floyd, Kirt, Pemberton

House:

Ayes: Baker, Boatman, Dills, Echols, Fetgatter, Ford, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Newton, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Wallace, West (J), West (T).--28

Nays: Bennett, Blancett, Goodwin, Munson, Nichols, Virgin, Walke.--7

CS for SB 1081 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dossett (J.J.), Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Kirt, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

House:

Ayes: Baker, Bennett, Blancett, Boatman, Dills, Echols, Fetgatter, Ford, Goodwin, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Munson, Newton, Nichols, Osburn, Pfeiffer, Roberts (D), Roberts (S), Sterling, Strom, Virgin, Walke, Wallace, West (J), West (T).--34

Nays: Russ.—1

CS for SB 1082 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dossett (J.J.), Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

Nays: Kirt

House:

Ayes: Baker, Bennett, Boatman, Dills, Echols, Fetgatter, Ford, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Newton, Nichols, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Walke, Wallace, West (J), West (T).--31

Nays: Blancett, Goodwin, Munson, Virgin.--4

CS for SB 1083 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brooks, Dossett (J.J.), Dugger, Floyd, Hall, Haste, Howard, Jech, Kidd, Kirt, Montgomery, Newhouse, Pederson, Pemberton, Rader, Rosino, Simpson, Thompson, Weaver

House:

Ayes: Baker, Bennett, Blancett, Boatman, Dills, Echols, Fetgatter, Ford, Goodwin, Hilbert, Hill, Kannady, Lawson, Lepak, Martinez, McBride, McDugle, McEntire, Miller, Mize, Munson, Newton, Nichols, Osburn, Pfeiffer, Roberts (D), Roberts (S), Russ, Sterling, Strom, Virgin, Walke, Wallace, West (J), West (T).--35

FIRST READING

The following were introduced and read the first time:

SCR 10 – By Thompson of the Senate and McBride of the House.

A Concurrent Resolution honoring the service of Dr. Glen D. Johnson, Chancellor of the Oklahoma State System of Higher Education; expressing thanks and wishing him well in his retirement; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 131 - Remove as author Senator Garvin; authored by Senator McCortney

Coauthored by Senator Garvin

SB 608 - Coauthored by Representative Mize

SB 1077 - Coauthored by Representative Fugate

SB 1078 - Coauthored by Representative Roberts (Dustin)

SB 1080 - Coauthored by Senator Treat

SR 22 - Coauthored by Senator Daniels

Coauthored by Senator Stephens

Coauthored by Senator Bergstrom

Coauthored by Senator Hamilton

Coauthored by Senator Allen

Coauthored by Senator Jech

Coauthored by Senator Murdock

Coauthored by Senator Rosino

Coauthored by Senator Weaver

Coauthored by Senator Rader

Coauthored by Senator Howard

Coauthored by Senator Dahm

Coauthored by Senator Montgomery

Coauthored by Senator Thompson

Coauthored by Senator Hall

Coauthored by Senator Simpson

Coauthored by Senator Leewright

Coauthored by Senator Bullard

Coauthored by Senator Newhouse

Coauthored by Senator Standridge

Coauthored by Senator Pemberton

Coauthored by Senator Dugger

Coauthored by Senator Quinn

Coauthored by Senator Jett

Coauthored by Senator Taylor

Coauthored by Senator Coleman

Coauthored by Senator Rogers

Coauthored by Senator Garvin

Coauthored by Senator Pederson

Coauthored by Senator Merrick

Coauthored by Senator Kidd

Coauthored by Senator Burns

Coauthored by Senator Paxton
Coauthored by Senator Haste
Coauthored by Senator McCortney
Coauthored by Senator Pugh
Coauthored by Senator Stanley
Coauthored by Senator David
Coauthored by Senator Dossett (J.A.)
Coauthored by Senator Dossett (J.J.)
Coauthored by Senator Hicks

Pursuant to the David motion, the Senate adjourned at 2:45 p.m. to meet Tuesday, May 18, 2021, at 1:30 p.m.