

Senate Journal

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

Sixty-third Legislative Day, Monday, May 24, 2021

The Senate was called to order by Senator Paxton.

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, Matthews, McCortney, Merrick, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.—
48.

Senator Paxton declared a quorum present.

The prayer was offered by Senator Julia Kirt.

INTRODUCTION

Senator Pugh introduced the wife of Senator Lonnie Paxton, Missy, and their daughter Lillie-Beth; and Senator David introduced former Senator Mike Mazzei, to the Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 54** was adopted upon motion of Senator Montgomery.

SB 54, as amended in conference, was read at length.

On the question of passage of the bill, 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, Matthews, Merrick, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Excused: McCortney.--1.

The bill passed.

SB 54, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 639** was adopted upon motion of Senator Pugh.

SB 639, as amended in conference, was read at length.

On the question of passage of the bill, 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, Matthews, Merrick, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--47.

Excused: McCortney.--1.

The bill passed.

SB 639, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 909** was adopted upon motion of Senator Pugh.

SB 909, as amended in conference, was read at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Burns, Coleman, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Haste, Hicks, Howard, Jech, Kidd, Kirt, Leewright, Matthews, Montgomery, Paxton, Pederson, Pemberton, Pugh, Rader, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--37.

Nay: Bullard, Dahm, Daniels, Hamilton, Jett, Merrick, Murdock, Newhouse, Quinn and Rogers.--10.

Excused: McCortney.--1.

The bill passed.

SB 909, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 915** was adopted upon motion of Senator Howard.

SB 915, as amended in conference, was read at length.

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

Aye: Brooks, Bullard, Coleman, Daniels, David, Dugger, Garvin, Hall, Haste, Hicks, Howard, Jech, Kidd, Kirt, Leewright, Montgomery, Murdock, Paxton, Pederson, Pemberton, Pugh, Rader, Rosino, Simpson, Stanley, Stephens, Taylor, Thompson, Treat and Weaver.--30.

Nay: Allen, Bergstrom, Boren, Burns, Dahm, Dossett (J.A.), Dossett (J.J.), Floyd, Hamilton, Jett, Matthews, Merrick, Newhouse, Quinn, Rogers, Standridge and Young.--17.

Excused: McCortney.--1.

The bill passed.

SB 915, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1007** was adopted upon motion of Senator Garvin.

HB 1007, as amended in conference, was read at length.

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

Aye: Boren, Brooks, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Hicks, Howard, Jech, Kirt, Matthews, Merrick, Pederson, Simpson, Thompson, Treat and Young.--20.

Nay: Allen, Bergstrom, Bullard, Burns, Coleman, Dahm, Daniels, Hamilton, Haste, Jett, Kidd, Leewright, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Standridge, Stanley, Stephens, Taylor and Weaver.--28.

The bill failed.

Pursuant to Rule 8-32, Senator Garvin served notice that the vote be reconsidered whereby **HB 1007** failed.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1752** was adopted upon motion of Senator Rader.

HB 1752, as amended in conference, was read at length.

On the question of passage of the bill, 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, Matthews, McCortney, Merrick, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--48.

The bill passed.

HB 1752, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1794** was adopted upon motion of Senator Pugh.

HB 1794, as amended in conference, was read at length.

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

Aye: Allen, Boren, Brooks, Burns, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hall, Haste, Hicks, Howard, Jech, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--42.

Nay: Bergstrom, Bullard, Dahm, Hamilton, Jett and Merrick.--6.

The bill passed.

HB 1794, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1797** was adopted upon motion of Senator Garvin.

HB 1797, as amended in conference, was read at length.

On the question of passage of the bill, 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, 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.--46.

Nay: Dahm.--1.

Excused: Matthews.--1.

The bill passed.

HB 1797, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Daniels presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2214** was adopted upon motion of Senator Murdock.

HB 2214, as amended in conference, was read at length.

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

Aye: Allen, Bergstrom, Boren, Bullard, Burns, Coleman, Dahm, Daniels, David,

Dossett (J.A.), Dossett (J.J.), Dugger, Garvin, Hall, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Leewright, McCortney, Merrick, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat and Weaver.--43.

Nay: Brooks, Floyd, Kirt, Matthews and Young.--5.

The bill passed.

HB 2214, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2293** was adopted upon motion of Senator Paxton.

HB 2293, as amended in conference, was read at length.

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

Aye: Allen, Bergstrom, Boren, Brooks, Bullard, Burns, Coleman, Dahm, Daniels, David, Dugger, Floyd, Garvin, Hall, Hamilton, Haste, 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 and Weaver.--43.

Nay: Dossett (J.A.), Dossett (J.J.), Hicks, Matthews and Young.--5.

The bill passed.

HB 2293, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The following **CCR** was rejected upon motion of Senator David, further conference requested, and same Senate conferees appointed as follows:

SB 658 – Standridge, Pugh, Quinn, Taylor, Hicks, Dossett (J.A.)

MESSAGES FROM THE HOUSE

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

SB 229 - coauthored by Senator Pemberton and Representatives Burns, Pittman and Russ

SB 422 - coauthored by Representatives Pfeiffer, Caldwell (Trey), Lowe (Dick), West (Rick), Moore, Dobrinski, Fetgatter, Mize, Strom, Vancuren, Grego, McCall, Baker, Culver, Frix, McDugle, Bashore, Boles, Hardin (David), Hilbert and Steagall

SB 893 - coauthored by Senator Standridge

The above-numbered measures, as amended in conference, were referred for enrollment.

Advising further conference granted and naming same House conferees on Engrossed:

SB 658 - Conference Committee on Public Health

Advising conferees unable to agree on the following:

HB 2674

Advising rejection of **CCR** to the following bill, requesting further conference and naming same House conferees as follows:

HB 2674 - Conference Committee on Alcohol, Tobacco and Controlled Substances

Advising the Honorable Senate that the House suspended Joint Rule 7 for purposes of allowing consideration of **HB 2965** today.

Advising the Honorable Senate that the House suspended Joint Rule 7 for purposes of allowing consideration of **HB 2966** today.

Advising concurrence in **SAs** to and passage of Engrossed **HB 1010**.

Advising passage of and transmitting for consideration Engrossed **HB 2965** and **HJR 1046**.

HB 2965 – By McCall of the House and Treat of the Senate.

An Act relating to sunset extension; amending 3A O.S. 2011, Section 604.1, as last amended by Section 1, Chapter 461, O.S.L. 2019 (3A O.S. Supp. 2020, Section 604.1), which relates to the Oklahoma State Athletic Commission; amending 10 O.S. 2011, Section 640.1, as last amended by Section 1, Chapter 296, O.S.L. 2017 (10 O.S. Supp. 2020, Section 640.1), which relates to the Oklahoma Partnership for School Readiness Board; amending 52 O.S. 2011, Section 288.3, as last amended by Section 1, Chapter 295, O.S.L. 2017 (52 O.S. Supp. 2020, Section 288.3), which relates to the Oklahoma Energy Resources Board; amending 59 O.S. 2011, Section 137, as last amended by Section 1, Chapter 469, O.S.L. 2019 (59 O.S. Supp. 2020, Section 137), which relates to the Board of Podiatric Medical Examiners; amending 59 O.S. 2011, Section 199.2, as last amended by Section 1, Chapter 294, O.S.L. 2017 (59 O.S. Supp. 2020, Section 199.2), which relates to the State Board of Cosmetology and Barbering; amending 59 O.S. 2011, Section 858-201, as last amended by Section 1, Chapter 297, O.S.L. 2017 (59 O.S. Supp. 2020, Section 858-201), which relates to the Oklahoma Real Estate Commission; amending 59 O.S. 2011, Section 1607, as last amended by Section 1, Chapter 463, O.S.L. 2019 (59 O.S. Supp. 2020, Section 1607), which relates to the Board of Examiners for Speech-Language Pathology and Audiology; amending 59 O.S. 2011, Section 2053, as last amended by Section 1, Chapter 466, O.S.L. 2019 (59 O.S. Supp. 2020, Section 2053), which relates to the State Board of Examiners of Perfusionists; amending 59 O.S. 2011, Section 2305, as last amended by Section 1, Chapter 464, O.S.L. 2019 (59 O.S. Supp. 2020, Section 2305), which relates to the Advisory Committee on Pedorthics; amending 59 O.S. 2011, Section 3005, as last amended by Section 1, Chapter 465, O.S.L. 2019 (59 O.S. Supp. 2020, Section 3005), which relates to the Advisory Committee on Orthotics and Prosthetics; amending 74 O.S. 2011, Section 4102, as last amended by Section 1, Chapter 193, O.S.L. 2019 (74 O.S. Supp. 2020, Section 4102), which relates to the State Capitol Preservation Commission; extending sunset date; providing an effective date; and declaring an emergency.

HJR 1046 – By Gann and Roberts (Sean) of the House and Daniels of the Senate.

A Joint Resolution approving certain proposed permanent rules of Oklahoma state agencies; disapproving certain proposed permanent rules; and directing distribution.

The above-numbered measures were read the first time.

Advising passage of and transmitting for consideration Engrossed **HB 2966**.

HB 2966 – By McCall, Dills and Moore of the House.

An Act relating to schools; amending 70 O.S. 2011, Sections 3-135, as amended by Section 3, Chapter 170, O.S.L. 2015, 3-136, as amended by Section 1, Chapter 277, O.S.L. 2014, 3-137, as last amended by Section 1, Chapter 42, O.S.L. 2016 and 3-142, as last amended by Section 9 of Enrolled Senate Bill No. 1064 of the 1st Session of the 58th Oklahoma Legislature (70 O.S. Supp. 2020, Sections 3-135, 3-136 and 3-137), which relate

to the Oklahoma Charter Schools Act; requiring charter school to provide certain notice to sponsor; directing sponsor to use performance framework for charter school evaluation; authorizing development of certain separate framework; adding minimum requirements for framework; mandating annual evaluation; directing presentation of results to certain governing boards; defining term; subjecting charter school to certain spending limitations; prohibiting charter school from providing instruction to certain students; directing charter school governing board to comply with certain acts; subjecting charter school sponsor governing board to certain conflict of interest requirements; modifying procedures for charter school contracts; requiring sponsor to develop a corrective action plan; authorizing nonrenewal of contract in certain cases; specifying how sponsor fee should be used; requiring sponsor to publish certain report on its website; amending Section 5, Chapter 367, O.S.L. 2012, as last amended by Section 2, Chapter 27, O.S.L. 2020 (70 O.S. Supp. 2020, Section 3-145.3), which relates to duties of the Statewide Virtual Charter School Board; requiring compliance with the Oklahoma Charter Schools Act; modifying limitation on fee for administrative expenses and support; subjecting certain charter schools to the same purchasing procedures and compliance requirements as school districts; prohibiting commingling of certain school funds; modifying instruction and continuing education obligations for certain governing board members; establishing requirements for governing boards which contract with educational management organizations; prescribing duties for board membership; requiring State Department of Education and sponsor to publish certain contracts on their websites; directing Department to publish list of fees paid; subjecting certain board members to instruction and continuing education requirements; prohibiting certain conflicts of interest and pecuniary gain; disallowing certain appointments or selections of members; requiring sponsor board members to complete instruction and continuing education requirements; specifying entity to pay for instruction and continuing education; prescribing requirements for instruction and continuing education; defining term; designating certain funds as public funds; prohibiting transfer or conversion of state funds to private funds; clarifying provision; requiring payments from charter schools to comply with certain provisions; directing organization to provide certain documents; subjecting certain funds to audit, transparency, oversight and financial reporting; requiring certain funds to remain public funds; prescribing grade for participation in certain extracurricular or educational activities; declaring certain property to remain public property of the charter school; mandating an operating agreement review of certain charter schools; establishing procedures for review; requiring written agreement for certain expenditures; mandating criminal history record checks for certain personnel; prescribing process and payment of checks; prohibiting certain activities by educational management organizations; amending Section 2, Chapter 272, O.S.L. 2019 (70 O.S. Supp. 2020, Section 5-200), which relates to educational management organizations; requiring amounts paid to certain organizations be pursuant to contract terms; mandating disclosure pursuant to certain guidelines; amending 70 O.S. 2011, Section 18-124, which relates to limitations on administrative services expenditures; providing applicability of limitation to certain charter schools; clarifying calculation for specified schools; modifying definition; providing for codification; providing an effective date; and declaring an emergency.

The above-numbered measure was received from the House.

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

HB 2040

HB 2120

HB 2510

HB 2546

HB 2646

HB 2684

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

Advising the Honorable Senate that the House is changing House conferees on Engrossed **HB 2674** withdrawing from Alcohol, Tobacco and Controlled Substances and naming Special Committee on Alcohol, Tobacco and Controlled Substances

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator David, the request of the Honorable House for further conference was ordered granted and same Senate conferees appointed as follows:

HB 2674 – Taylor, Leewright, Paxton, McCortney, Pugh, Brooks

Senator David moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 25, 2021, at 9:30 a.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 658 (2nd CCR)

SB 858

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 2 - Coauthored by Senator Burns

SB 54 - Coauthored by Senator Pederson

SB 658 - Coauthored by Senator Paxton
Coauthored by Senator Pederson
Coauthored by Representative Steagall
HB 1752 - Coauthored by Senator Pederson
HJR 1046 - Coauthored by Roberts (Sean)

MESSAGES FROM THE GOVERNOR

Advising his approval May 21, 2021, of Enrolled **SBs 1037, 1038, 1059, 1077** and **1080**.

Advising his approval May 24, 2021, of Enrolled **SBs 574, 608, 1044, 1045, 1046, 1047, 1054, 1057, 1067, 1073, 1076, 1078, 1081, 1082** and **1083**.

Pursuant to the David motion, the Senate adjourned at 3:00 p.m. to meet Tuesday, May 25, 2021, at 9:30 a.m.