

Senate Journal

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

Sixty-fourth Legislative Day, Monday, May 23, 2016

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.—46.

Excused: Garrison and Silk.—2.

Senator Sykes declared a quorum present.

The prayer was offered by Pastor Dwayne Case, Northeast Church of Christ, Oklahoma City, the guest of Senator Pittman.

INTRODUCTION

Senator Fry introduced former Senator Cliff Aldridge to the Senate.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Pittman asked unanimous consent to refer **SR 85** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 85 by Pittman et al was called up for consideration.

All other members of the Senate asked to coauthor **SR 85**, which was the order.

SR 85 was adopted upon motion of Senator Pittman and referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2821** was adopted upon motion of Senator Crain.

HB 2821, as amended in conference, was read at length.

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

Aye: Allen, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--45.

Excused: Anderson, Garrison and Silk.--3.

The bill passed.

HB 2821, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The 2nd **CCR** on **SB 424** was adopted upon motion of Senator Crain.

SB 424, 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, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brooks, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shortey, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--42.

Nay: Brown, Shaw and Sykes.--3.

Excused: Anderson, Garrison and Silk.--3.

The bill and emergency passed.

SB 424, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SJR 68** was adopted upon motion of Senator Bice.

SJR 68, as amended in conference, was read at length.

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

Aye: Allen, Bice, Bingman, Boggs, Brooks, Brown, Crain, David, Dossett, Fields, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Quinn, Sharp, Shortey, Simpson, Thompson, Treat and Yen.--30.

Nay: Barrington, Bass, Brecheen, Dahm, Floyd, Matthews, Pittman, Schulz, Shaw, Sparks, Standridge, Stanislawski, Sykes and Wyrick.--14.

Excused: Anderson, Garrison and Silk.--3.

*Not Voting: Smalley.--1

The resolution passed.

*Senator Smalley asked to be shown not voting on **SJR 68** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

SJR 68, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2398** was adopted upon motion of Senator Griffin.

HB 2398, 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, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Holt, Jech, Jolley, Justice, Loveless, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--39.

Nay: Barrington, Bass, Crain, Dahm and Halligan.--5.

Excused: Anderson, Garrison, Marlatt and Silk.--4.

The bill and emergency passed.

HB 2398, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1164** was adopted upon motion of Senator Griffin.

SB 1164, as amended in conference, was read at length.

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

Aye: Barrington, Bass, Bice, Bingman, Boggs, Brooks, Brown, Crain, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Justice, Loveless, Matthews, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Simpson, Sparks, Stanislawski, Thompson, Wyrick and Yen.--34.

Nay: Allen, Brecheen, Dahm, Mazzei, Shortey, Smalley, Standridge and Sykes.--8.

Excused: Anderson, Garrison, Jolley, Marlatt, Silk and Treat.--6.

The bill passed.

SB 1164, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1211** was adopted upon motion of Senator Griffin.

SB 1211, as amended in conference, was read at length.

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

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

Excused: Garrison, Halligan, Marlatt and Silk.--4.

The bill passed.

SB 1211, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1614** was adopted upon motion of Senator Mazzei.

SB 1614 was read at length.

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

Aye: Allen, Anderson, Barrington, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, Crain, Dahm, David, Fields, Ford, Fry, Griffin, Holt, Jech, Jolley, Justice, Loveless, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--37.

Nay: Bass, Dossett, Floyd, Matthews, Paddack, Pittman and Sparks.--7.

Excused: Garrison, Halligan, Marlatt and Silk.--4.

The bill passed.

SB 1614 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3164** was adopted upon motion of Senator Newberry.

HB 3164, as amended in conference, was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--43.

Nay: Dossett.--1.

Excused: Garrison, Matthews, Silk and Wyrick.--4.

The bill passed.

HB 3164, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1609** was adopted upon motion of Senator Jolley.

SB 1609 was read at length.

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

Aye: Allen, Anderson, Barrington, Bice, Bingman, Boggs, Brooks, Brown, Crain, David, Fields, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Quinn, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Standridge, Stanislawski, Thompson, Treat and Yen.--34.

Nay: Bass, Brecheen, Dahm, Dossett, Floyd, Matthews, Newberry, Paddack, Pittman, Sparks and Sykes.--11.

Excused: Garrison, Silk and Wyrick.--3.

The bill and emergency passed.

SB 1609 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1610** was adopted upon motion of Senator Jolley.

SB 1610 was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brooks, Brown, Crain, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Marlatt, Matthews, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Simpson, Thompson, Treat and Yen.--34.

Nay: Brecheen, Dahm, David, Loveless, Mazzei, Newberry, Smalley, Sparks, Stanislawski, Sykes and Wyrick.--11.

Excused: Garrison, Silk and Standridge.--3.

The bill passed.

The Chair advised that Senator Standridge, having been present in the Chamber during the vote on **SB 1610** would be shown voting Nay in compliance with Rule 8-31B. The vote thereby resulted as follows: Aye: 34; Nay: 12; Excused: 2.

Senators Standridge, David, Newberry, Brecheen and Stanislawski desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 39; Nay: 7; Excused: 2.

The emergency passed.

SB 1610 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1329** was adopted upon motion of Senator Ford.

SB 1329, as amended in conference, was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Matthews, Mazzei, Paddack, Pittman, Quinn, Schulz, Sharp,

Shaw, Shortey, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Garrison, Marlatt, Newberry and Silk.--4.

The bill passed.

SB 1329, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 902** was adopted upon motion of Senator Anderson.

SB 902, as amended in conference, was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat and Wyrick.--43.

Nay: Sykes.--1.

Excused: Garrison, Marlatt, Silk and Yen.--4.

The bill passed.

SB 902, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Sharp moved to reconsider the vote whereby **SB 929** failed, which motion was declared adopted upon roll call as follows:

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

Nay: Jech, Simpson, Standridge, Sykes and Treat.--5.

Excused: Garrison, Marlatt, Silk and Yen.--4.

FOURTH READING

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Brown, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Loveless, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Sparks, Stanislawski, Thompson, Wyrick and Yen.--35.

Nay: Crain, Jech, Jolley, Justice, Simpson, Smalley, Standridge, Sykes and Treat.--9.

Excused: Bingman, Garrison, Marlatt and Silk.--4.

The bill and emergency passed.

SB 929, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1609, 1610 and 1614 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SR 85 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 3218** and **3219**.

HB 3218 – By Hickman, Casey, Strohm, Brumbaugh, Martin, Derby, Osborn, Johnson, Bennett, Walker, Ownbey, Newell, Rogers, Faught, Pfeiffer, Murdock, Jordan, Cockroft, Henke, Kannady, Wallace, Wright, Mulready, Banz, Leewright, Nollan, Coody (Ann), Kirby, Biggs, Cleveland, Christian, Hall, Dunlap, Caldwell, Roberts (Dustin), O'Donnell, McCullough, Moore, Condit, Wood, Montgomery, Roberts (Sean), McBride, Russ, Denney, Thomsen, Billy and Sears of the House and Jolley, Treat, Smalley, Ford, Sparks, Newberry, Silk, Fry, Dossett, Brooks, Halligan, Crain, Simpson, Floyd, Sharp, Standridge, Paddock, Thompson, Jech, Matthews, Loveless, Quinn, Boggs, Pittman, Bice, Holt, Allen and Barrington of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 1-116, as amended by Section 1, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1-116), which relates to definitions of positions in a school system; amending 70 O.S. 2011, Section 6-101.3, as last amended by Section 1 of Enrolled House Bill No. 2957 of the 2nd Session of the 55th Oklahoma Legislature, which relates to teacher definitions; modifying definitions; amending 70 O.S. 2011, Sections 1210.507, as last amended by Section 7, Chapter 430, O.S.L. 2014 and 1210.508, as last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2015, Sections 1210.507 and 1210.508), which relate to the Oklahoma School Testing Program Act; changing the word test to assessment; requiring the State Board of Education to administer assessments by certain means; authorizing school districts to select the means for administering assessments; directing the Board to adopt a statewide system of student assessments by a certain date; requiring system to be aligned with certain standards; requiring the Board to issue request for proposals for assessments and adopt assessments from selected proposals; providing for administration of selected assessments for a certain period beginning during certain school year; listing certain criteria for assessments; specifying assessment subjects to be administered during certain school years; allowing certain types of assessments to be included in the statewide student assessment system; requiring students to take certain assessments in order to graduate from high school; requiring students to meet certain other high school graduation requirements adopted by the Board; directing school districts to adopt an assessment plan for certain students; directing the Board to promulgate rules to ensure that certain transferred students can be awarded a standard diploma; requiring assessments scores to be reported on the high school transcript of students; modifying remediation requirement; deleting requirement to administer certain criterion-referenced tests; deleting requirement to administer certain end-of-instruction tests; deleting certain retake requirements; deleting requirement to report end-of-instruction test scores on high school transcripts; deleting arts assessment requirements and reports; changing references from criterion-referenced tests and end-of-instruction tests to assessments; adding date for reporting preliminary results; modifying uses of certain data; deleting certain coordination requirement; changing duty of the Board to set the testing window dates; deleting certain testing window requirements; changing date for reporting certain results; deleting authorization to participate in a multistate or multigovernmental cooperative; requiring the Board to study and develop assessment requirements in conjunction with certain entities; specifying certain criteria to be included in the assessment

requirements; requiring an opportunity for public comment; directing the Board to make a report by a certain date; requiring the Board to adopt the assessment requirements by a certain date; making the assessment requirements subject to legislative review; requiring submission of requirements to certain persons by certain date; providing process for legislative review and approval; allowing the Board to revise or adopt new requirements and submit for legislative review; establishing assessment requirements if requirements are not approved; considering requirements final agency rules upon final approval; requiring submission of requirements to the Secretary of State and certain publication; exempting certain joint resolutions from regular legislative cutoff dates; amending 70 O.S. 2011, Sections 1210.508B, as amended by Section 9, Chapter 430, O.S.L. 2014 and 1210.508C, as last amended by Section 1, Chapter 364, O.S.L. 2015 (70 O.S. Supp. 2015, Sections 1210.508B and 1210.508C), which relate to the Reading Sufficiency Act; amending 70 O.S. 2011, Section 1210.515, as amended by Section 1, Chapter 337, O.S.L. 2013 (70 O.S. Supp. 2015, Section 1210.515), which relates to reading ability required for a driver license or permit; amending 70 O.S. 2011, Section 1210.541, as last amended by Section 1, Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1210.541), which relates to student performance levels and cut scores; amending 70 O.S. 2011, Section 1210.545, as last amended by Section 1, Chapter 362, O.S.L. 2015 (70 O.S. Supp. 2015, Section 1210.545), which relates to annual reports of the Oklahoma School Testing Program; changing references from criterion-referenced tests and end-of-instruction tests to assessments; clarifying statutory language; updating statutory citation; directing the State Department of Education to include certain explanation in school report cards during certain years; requiring the Department to issue school report cards using certain data; repealing 70 O.S. 2011, Sections 1210.506 and 1210.508-1, which relate to the Oklahoma School Testing Program Act; repealing 70 O.S. 2011, Sections 1210.521, 1210.522, 1210.523, as last amended by Section 26, Chapter 4, O.S.L. 2014, 1210.525 and 1210.526, as last amended by Section 2 of Enrolled Senate Bill No. 1105 of the 2nd Session of the 55th Oklahoma Legislature (70 O.S. Supp. 2015, Section 1210.523), which relate to the Achieving Classroom Excellence Act of 2005; providing for noncodification; providing an effective date; and declaring an emergency.

HB 3219 – By Sears and Casey of the House and Jolley and Treat of the Senate.

An Act relating to courts; amending 20 O.S. 2011, Section 1315, as amended by Section 84, Chapter 304, O.S.L. 2012 (20 O.S. Supp. 2015, Section 1315), which relates to the Oklahoma Court Information System; modifying purposes of fund expenditures; authorizing certain expenditures from the Oklahoma Court Information System Revolving Fund; directing transfer of funds upon request for specified time; and declaring an emergency.

The above-numbered measures were read the first time.

CONFERENCE COMMITTEE REPORTS

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

HB 1116 - (3rd CCR) (Emergency Failed)
HB 2267
HB 2553
HB 3103
HB 3160 - coauthored by Senators Matthews and Pittman

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

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 1380
SB 1554

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 24, 2016, at 9:30 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SB 1620 – By Jolley, Treat and Schulz of the Senate and Sears and Casey of the House.

An Act relating to income tax credit; amending 68 O.S. 2011, Section 2357.32A, as amended by Section 2, Chapter 371, O.S.L. 2013 (68 O.S. Supp. 2015, Section 2357.32A), which relates to income tax credits for zero-emission facilities; modifying time period during which facilities qualify for credit; limiting total amount of certain credit available as a direct refund 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 measures were authored/coauthored:

SB 1211 - Coauthored by Dossett

SB 1577 - Coauthored by McBride

SB 1619 - Remove as principal author Representative Hickman and substitute with Representative Fisher

Remove as coauthor Representative(s) Peterson

HB 2398 - Coauthored by Dossett

HB 2763 - Coauthored by Boggs

Coauthored by Newberry

Coauthored by Allen

HB 3218 - Remove as author Senator Jolley; authored by Bingman

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 1600 - (Emergency Failed)

SB 1603 - (Emergency Failed) coauthored by Representative Ritze

SB 1604

The above-numbered measures were referred for enrollment.

Pursuant to the Schulz motion, the Senate adjourned at 3:15 p.m. to meet Tuesday, May 24, 2016, at 9:30 a.m.