

Senate Journal

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

Forty-third Legislative Day, Thursday, April 20, 2017

The Senate was called to order by Senator Fields.

Roll Call:

Present: Allen, Bass, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Yen.—46.

Excused: Silk.—1.

Vacancy: District 44.—1.

Senator Fields declared a quorum present.

The prayer was offered by Pastor Scott Newton, North Fork Baptist Church, Eufaula, the guest of Senator Brown.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 11 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 26, 30, 39, 52, 80, 227, 273, 287 and **347** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

HBs 1110, 1282, 1305, 1384, 1684 and **1707** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Newhouse asked unanimous consent to refer **SR 17** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 17 by Newhouse was called up for consideration.

All other members of the Senate asked to coauthor **SR 17**, which was the order.

SR 17 was adopted upon motion of Senator Newhouse and referred for enrollment.

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2343** was adopted upon motion of Senator Thompson.

HB 2343 was read at length.

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

Aye: Allen, Bice, Daniels, David, Dugger, Fields, Griffin, Holt, Kidd, Marlatt, McCortney, Newberry, Paxton, Pederson, Pemberton, Pugh, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Thompson, Treat and Yen.--25.

Nay: Bass, Bergstrom, Boggs, Brecheen, Dahm, Dossett, Floyd, Fry, Jech, Loveless, Matthews, Newhouse, Pittman, Quinn, Rader, Sparks, Standridge, Stanislawski and Sykes.-19.

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

Vacancy: District 44.--1.

The bill passed and the emergency failed.

Pursuant to Rule 8-32, Senator Thompson served notice that the vote be reconsidered whereby the emergency on **HB 2343** failed.

Senator Sykes raised a point of order that **HB 2343** was presented under Joint Rules and that Joint Rules do not allow for reconsideration motions, therefore Senator Thompson's notice to reconsider on some future legislative day the vote whereby the emergency on **HB 2343** failed, is out of order.

The Presiding Officer ruled the Joint Rules are not applicable to motions to reconsider. However, pursuant to Senate Rule 8-32, the final vote on Third Reading or Fourth Reading of any bill or joint resolution or on the emergency clause or special election feature or other special feature of any bill or joint resolution may be reconsidered only if a member of the Senate serves notice before any other business is considered by the Senate. Therefore, a motion to reconsider the vote on the emergency on **HB 2343** would be in order if such notice was properly served. Senator Thompson's notice that he may move to reconsider on some future legislative day the vote whereby the emergency failed on **HB 2343** was properly served and, therefore, is in order.

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2344** was adopted upon motion of Senator Thompson.

HB 2344 was read at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Dahm, Daniels, David, Dugger, Fields, Fry, Griffin, Holt, Jech, Kidd, Leewright, Loveless, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Schulz, Sharp, Shaw, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson and Treat.--36.

Nay: Bass, Dossett, Floyd, Matthews, Pittman, Scott, Sparks and Yen.--8.

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

Vacancy: District 44.--1.

The bill and emergency passed.

HB 2344 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1693 by Martin of the House and Stanislawski of the Senate was called up for consideration.

Senator Dossett moved to amend **HB 1693**, Page 6, Line 8, by inserting the word "reported" before the word "separately" and by removing the new language from the comma after the word "separately" through the word "indicators" on Line 9; and Page 6, Lines 11, 12, 13, 14 and 16 by inserting after the word "progress" and before the semicolon the words "for that indicator"; and Page 6, Line 19 by striking the word "a" after the word "receive" and by replacing the word "grade" with the words "grades for each indicator"; and

Page 6, Line 20 by striking the word "a" after the word "receive" and by replacing the word "grade" with the words "grades for each indicator"; and Page 7, Line 17 by replacing the word "grade" with the word "grades"; and Page 7, Line 24 by replacing the word "grade" with the words "report card"; and Page 8, Line 20 by inserting after the comma and before the word "the" the words "separate grades for"; and Page 14 by removing the new subsections F, G and H from page 14, line 14 through page 15, line 9 and by relettering subsequent subsections; and Page 16, Line 1 by replacing the word "grade" with the words "grades for each indicator"; and Page 16, Line 10 by inserting after the period the sentence, "The Department shall not develop or publish district-level report cards unless otherwise required by federal law."

Senator Stanislawski moved to table the Dossett amendment, which tabling motion was declared adopted upon roll call vote as follows:

Aye: Allen, Boggs, Brecheen, Dahm, Daniels, David, Dugger, Fields, Fry, Holt, Kidd, Loveless, Paxton, Pemberton, Quinn, Rader, Schulz, Scott, Shaw, Simpson, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--26.

Nay: Bass, Bergstrom, Bice, Dossett, Floyd, Griffin, Jech, Leewright, Matthews, McCortney, Newberry, Newhouse, Pederson, Pittman, Pugh, Sharp, Smalley and Sparks.--18.

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

Vacancy: District 44.--1.

Senator Stanislawski moved to amend **HB 1693**, Page 1, by restoring the title, effective date and emergency clause, which amendment was declared adopted.

The above amendment restores **HB 1693** to the engrossed version of the bill.

Senator Stanislawski moved that **HB 1693** be advanced, which motion was declared adopted.

THIRD READING

HB 1693 was read for the third time at length.

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

Aye: Bergstrom, Bice, Boggs, Daniels, David, Dugger, Fields, Fry, Griffin, Holt, Kidd, Leewright, Loveless, McCortney, Newberry, Paxton, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Shaw, Simpson, Smalley, Stanislawski, Sykes, Thompson, Treat and Yen.--31.

Nay: Allen, Bass, Brecheen, Dahm, Dossett, Floyd, Jech, Marlatt, Matthews, Pederson, Sharp, Sparks and Standridge.--13.

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

Vacancy: District 44.--1.

The bill passed.

Senator Dahm desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 12; Excused: 3; Vacancy: District 44: 1.

The emergency passed.

HB 1693 was properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 26, 30, 39, 52, 80, 227, 273, 287** and **347**.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1423, 1552, 1706, 1759, 1836, 1858, 1994, 2156, 2211** and **2231**.

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

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

Advising passage of and returning the following engrossed bills as amended:

SB 35 - coauthored by Senator Bergstrom and Representative Faught

SB 89

SB 144 - coauthored by Representative McDaniel

SB 146

SB 170 - coauthored by Senators Sharp and Floyd

SB 189

SB 217 - coauthored by Senator Pittman and Representative Biggs

SB 297

SB 314

SB 692 - remove Representative Osborn (Leslie) as principal House author and substitute with Representative Biggs

SB 697

SB 712

SB 726

SB 816

House amendments were read on the above-numbered bills.

EXECUTIVE NOMINATIONS

The following executive nominations were read and referred to the committee indicated:

Carson, Allyson L., El Reno, as a member of the Crime Victims Compensation Board - Public Safety

Harkins, Ruth P., McAlester, as a member of the Board of Regents of Eastern Oklahoma State College - Education

Huggins, Robert Carroll, Stigler, as a member of the Board of Regents for Carl Albert State College - Education

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 24, 2017, at 1:30 p.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SB 836 – By David and Fields of the Senate and Osborn (Leslie) and Wallace of the House.

An Act relating to motor fuel; amending 17 O.S. 2011, Section 354, as last amended by Section 9, Chapter 15, O.S.L. 2013 (17 O.S. Supp. 2016, Section 354), which relates to motor fuel assessment, exemptions and distribution; modifying date for certain notification to the Oklahoma Tax Commission; providing an effective date; and declaring an emergency.

SB 837 – By David and Fields of the Senate and Osborn (Leslie) and Wallace of the House.

An Act relating to Rebuilding Oklahoma Access and Driver Safety Fund; 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 apportionment to the ROADS fund; requiring certain monies to be included in specified examination; providing an effective date; and declaring an emergency.

SB 838 – By David and Fields of the Senate and Osborn (Leslie) and Wallace of the House.

An Act relating to the Oklahoma Vehicle License and Registration fees, taxes and penalties; amending 47 O.S. 2011, Section 1104, as last amended by Section 1, Chapter 350, O.S.L. 2015 (47 O.S. Supp. 2016, Section 1104), which relates to apportionment of fees, taxes and penalties; requiring certain formula updates to be submitted to specified officials; providing an effective date; and declaring an emergency

MESSAGE FROM THE GOVERNOR

Advising her approval April 20, 2017, of Enrolled **SB 425**.

Pursuant to the Treat motion, the Senate adjourned at 11:55 a.m. to meet Monday, April 24, 2017, at 1:30 p.m.