

Senate Journal

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

Fifty-eighth Legislative Day, Tuesday, May 16, 2017

The Senate was called to order by Senator Fields.

Roll Call:

Present: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Yen.—45.

Excused: Bass.—1.

Vacancy: Districts 44 and 45.—2.

Senator Sykes declared a quorum present.

The prayer was offered by Pastor Kelvin Batten, International Christian Empowerment Center, Tulsa, the guest of Senator Newhouse.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 741 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAS

HAs to SB 769 were concurred in upon motion of Senator Newberry.

SB 769, 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, Bergstrom, Bice, Boggs, Brown, Dahm, Daniels, David, Dugger, Fields, Fry, Griffin, Holt, Jech, Kidd, Leewright, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Sharp, Shaw, Silk, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--36.

Nay: Brecheen, Dossett, Floyd and Matthews.--4.

Excused: Bass, Marlatt, Pittman, Schulz, Scott and Sparks.--6.

Vacancy: Districts 44 and 45.--2.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 828 were concurred in upon motion of Senator Griffin.

SB 828, 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: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--42.

Excused: Bass, Marlatt, Pittman and Schulz.--4.

Vacancy: Districts 44 and 45.--2.

The bill and emergency passed.

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

EXECUTIVE NOMINATIONS

The following executive nominations have been approved by the committee named:

Alford, Clay A., Valliant, to the Board of Trustees for Southeastern Oklahoma State University-McCurtain County Campus, to serve a nine-year term ending June 30, 2026, succeeding Bob Wright. (Education Committee) Motion to confirm made by Senator Joseph Silk.

Blodgett, Ralph E. (Ted), Norman, to the Oklahoma Lottery Commission Board of Trustees, to serve a five-year term ending January 1, 2022, succeeding R. Deane Wymer. (Education Committee) Motion to confirm made by Senator Rob Standridge.

Cox, G. Bridger, Ardmore, to the Oklahoma Industrial Finance Authority, to serve a six-year term ending October 11, 2023, succeeding himself. (Appropriations Committee) Motion to confirm made by Senator Frank Simpson.

Cox , G. Bridger, Ardmore, to the Oklahoma Development Finance Authority, to serve a six-year term ending October 11, 2023, succeeding himself. (Appropriations Committee) Motion to confirm made by Senator Frank Simpson.

Frank, Becky J., Tulsa, to the Oklahoma Arts Council, to serve a three-year term ending July 1, 2020, succeeding Hannah D. Robson. (Education Committee) Motion to confirm made by Senator Kevin Matthews.

Ingersoll-Keener, Wendy, Inola, to the Oklahoma Horse Racing Commission, to serve a six-year term ending June 30, 2023, succeeding Melvin Bollenbach. (Appropriations Committee) Motion to confirm made by Senator Wayne Shaw.

Inman, Reese Cody, Tulsa, to the Oklahoma Educational Television Authority, to serve an unexpired term ending June 30, 2018, succeeding George K. Kiersch. (Education Committee) Motion to confirm made by Senator Gary Stanislawski.

Kennedy, Leticia, Chickasha, to the State Textbook Committee, to serve a three-year term ending March 1, 2020, succeeding Tammy L. Bennett. (Education Committee) Motion to confirm made by Senator Lonnie Paxton.

Kirk, Phillip J., Tulsa, to the Oklahoma Horse Racing Commission, to serve a six-year term ending June 30, 2023, succeeding himself. (Appropriations Committee) Motion to confirm made by Senator Dave Rader.

Lucas, R. Joe, Mustang, to the Oklahoma Horse Racing Commission, to serve a six-year term ending June 30, 2023, succeeding himself. (Appropriations Committee) Motion to confirm made by Senator Eddie Fields.

Manning, Kerry, Durant, to the Board of Trustees for Southeastern Oklahoma State University-McCurtain County Campus, to serve a nine-year term ending June 30, 2025, succeeding Chuck Darby. (Education Committee) Motion to confirm made by Senator Josh Brecheen.

McLaughlin, David L., Oklahoma City, to the Board of Regents of the University of Science and Arts of Oklahoma, to serve a seven-year term ending June 30, 2024, succeeding himself. (Education Committee) Motion to confirm made by Senator Greg Treat.

Moore, Sr., Charles N., Muskogee, to the Oklahoma Arts Council, to serve a three-year term ending July 1, 2020, succeeding Joseph (J.P.) Richards. (Education Committee) Motion to confirm made by Senator Dwayne Pemberton.

Motions to confirm the above named executive nominations were declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Daniels, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Standridge, Stanislawski, Treat and Yen.--37.

Nay: Dahm and Sykes.--2.

Excused: Bass, David, Marlatt, Pittman, Schulz, Sparks and Thompson.--7.

Vacancy: Districts 44 and 45.--2.

Senator Treat moved that the Senate recess to the Call of The Chair, which motion was declared adopted.

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The Senate reconvened with Senator Sykes presiding.

Senator Sykes questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 17, 2017, at 9:30 a.m., which motion prevailed.

COMMITTEE REPORT

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

DO PASS:

SB 872 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Allen, Bergstrom, Bice, Boggs, Dahm, David, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Matthews, McCortney, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Scott, Sharp, Shaw, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson

Nays: Brecheen, Daniels, Silk, Sykes

House:

Ayes: Biggs, Caldwell, Casey, Cockroft, Dunnington, Echols, Henke, Inman, Jordan, Kouplen, Loring, O'Donnell, Ortega, Osborn (L), Ownbey, Pfeiffer, Proctor, Roberts (D), Russ, Sanders, Sears, Stone, Virgin, Wallace

Nays: Bennett (J), Murphey

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 769 and **828** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2387** and **2390**.

HB 2387 – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to the Office of Juvenile Affairs; stating intent with regard to the Office of Juvenile Affairs for certain modifications to assets; imposing duty on the Office of Juvenile Affairs; authorizing assistance by the Office of Management and Enterprise Services and the Commissioners of the Land Office; providing for options with respect to assets; providing for selection of certain option; providing remaining option not to be operative; prescribing procedures for selection of best-value option; requiring memorandum; providing for transmission of memorandum to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate; providing for transmission of memorandum to members of the governing board of the Oklahoma Capitol Improvement Authority based upon certain option selection; providing for inoperability of provisions related to issuance of obligations; authorizing Office of Juvenile Affairs to sell certain property; requiring fair market value for sale;

providing for negotiation of public-private partnership; requiring request for proposal; requiring negotiation of lease and sublease agreement; stating intent with respect to appropriations; requiring development of certain plans related to assets of the Office of Juvenile Affairs; requiring report to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate; imposing time limit for report; authorizing Oklahoma Capitol Improvement Authority to issue obligations; providing for approval process in order to authorize issuance of obligations; authorizing acquisition of real and personal property; providing for net proceeds amount; authorizing holding of title by the Oklahoma Capitol Improvement Authority; providing for transfer of title to the Office of Juvenile Affairs upon final redemption or defeasance; authorizing borrowing of monies based upon certain revenues; authorizing capitalization of interest; stating legislative intent regarding appropriations; authorizing payment of certain fees or costs; providing exception; authorizing issuance of obligations in series; authorizing professional advisors; providing for competitive or negotiated sale; providing for agreements related to liquidity; providing for maturity and redemption; authorizing certain use of interest; providing for exempt treatment with respect to taxes; authorizing investment of monies or funds; imposing standard for investment; authorizing restrictions; providing for applicability of certain statutory provisions related to the Oklahoma Capitol Improvement Authority; providing for codification; providing an effective date; and declaring an emergency.

HB 2390 – By Osborn (Leslie) and Wallace of the House and David and Fields of the Senate.

An Act relating to the Grand River Dam Authority; amending 82 O.S. 2011, Sections 861A, 862, as last amended by Section 1, Chapter 266, O.S.L. 2016, 862.1, as amended by Section 1, Chapter 325, O.S.L. 2015, 863.2, as last amended by Section 1, Chapter 112, O.S.L. 2012, 864, as last amended by Section 1, Chapter 88, O.S.L. 2015, 865, 866, as amended by Section 1062, Chapter 304, O.S.L. 2012, 868, 869, 870, as amended by Section 1, Chapter 169, O.S.L. 2015, 870.1, 873 and 874, as last amended by Section 48, Chapter 210, O.S.L. 2016 (82 O.S. Supp. 2016, Sections 862, 862.1, 863.2, 864, 866, 870 and 874), which relate to powers, rights and privileges of district, Board of Directors, surplus funds and disbursement of district funds, accounts and records, collecting rates and charges, sources of payment of obligations, bonds, bond anticipation notes, district authorized to purchase bonds, and pledge of revenues; modifying certain duties of Grand River Dam Authority Board of Directors; modifying certain exemptions; adding wind and battery storage to list of energy sources to which act is applied; eliminating certain payments to district; modifying list of applicable monetary devices that the district may make or issue; adding educational institutions to list of organizations the district may support; eliminating terms of office for certain directors of the district; conforming language; modifying where certain funds of the district may be deposited; eliminating requirement that certain funds be distributed in certain manner; modifying manner in which certain records are kept; requiring annual payment; providing for computation of payment amount; prescribing method for payment and apportionment of revenue; providing for in lieu feature and effect of payment; providing for termination of payment after specified period of time; authorizing electronic copies of audit report; modifying list of certain payments made by the district; authorizing payment of certain debts from certain accounts; eliminating cap on

revenue bonds; modifying certain exceptions for sale revenue bonds; modifying certain methods of revenue bond issuance; eliminating interest cap on revenue bonds; modifying frequency with which interest on revenue bonds be paid; authorizing trust indentures to authorize bonds; removing cap on certain bonds; adding certain terms that may be described in certain contracts between district and bond holders; removing board's authorization to adopt a resolution on a specific project; expanding list of available funds from which certain bonds may be paid; eliminating cancellation of certain bonds; authorizing pledge of revenues and other monies upon certain dates; subjecting revenues and other monies to certain legal provisions; repealing 82 O.S. 2011, Section 862.2, which relates to certain contracts; providing for codification; providing an effective date; and declaring an emergency.

The above-numbered measures were read the first time.

Advising fourth reading of and returning Enrolled **SBs 741, 769 and 828**.

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

Advising conferees are unable to agree on the following:

HB 1684

Advising concurrence in **SAs** to and passage of Engrossed **HB 1485**.

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 1169

HB 2284 - remove as coauthor Senator Pittman

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

MESSAGE FROM THE HOUSE

Advising the Honorable Senate that the House suspended Joint Rule 3 and Joint Rule 4. Section 4/12(b) for purposes of allowing consideration of the **JCR** to **HB 2414** today.

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 211

EXECUTIVE NOMINATIONS

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

Cornett, Terri, Oklahoma City, as a member of the Oklahoma Educational Television Authority – Education

Hickman, Jeffrey W., Fairview, as a member of the Oklahoma State Regents for Higher Education - Education

Jordan, Dr. Dian, Broken Bow, as a member of the Board of Trustees for Southeastern Oklahoma State University-McCurtain County Campus - Education

Nair, Manu S., Edmond, as a member of the Oklahoma Science and Technology Research and Development Board - Energy

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 861 - Coauthored by Representative Bennett (John)

SB 872 - Coauthored by Senator Pittman

Coauthored by Senator Holt

MESSAGES FROM THE GOVERNOR

Advising her approval May 16, 2017, of Enrolled **SBs 27, 235, 408, 423, 426, 431, 445, 529** and **631**.

Pursuant to the Treat motion, the Senate adjourned at 6:10 p.m. to meet Wednesday, May 17, 2017, at 9:30 a.m.