

Senate Journal

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

Seventh Legislative Day, Monday, October 30, 2017

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The Senate was called to order by Senator Fields on Saturday, October 28, 2017 at 9:00 a.m.

Roll Call:

Present: Bass, Bice, Brooks, Dugger, Fields, Floyd, Griffin, Jech, Matthews, Smalley and Treat.—11.

Excused: Allen, Bergstrom, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Fry, Holt, Kidd, Leewright, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Sparks Standridge, Stanislawski, Sykes, Thompson and Yen.—35.

Vacancy: Districts 44 and 45.—2.

Senator Fields declared a quorum was not present and therefore, pursuant to Senate Rule 8-4, the Senate could not convene to conduct business.

Senator Treat announced pursuant to Senate Rules 8-2(B) and 8-4, the Senate will convene Monday, October 30, 2017, at 1:30 p.m.

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The Senate was called to order by Senator Bice.

Roll Call:

Present: Allen, Bass, Bergstrom, Bice, Brecheen, Brooks, Dahm, Daniels, David, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Matthews, McCortney, Newberry, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.—40.

Excused: Boggs, Brown, Dossett, Newhouse, Silk and Sparks.—6.

Vacancy: Districts 27 and 45.—2.

Senator Bice declared a quorum present.

The prayer was offered by Pastor Marvin Kehl, First Baptist Church, Washington, the guest of President Pro Tempore Schulz.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Pederson asked unanimous consent to refer **SR 2X** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 2X by Pederson was called up for consideration.

All other members of the Senate asked to coauthor **SR 2X**, which was the order.

SR 2X was adopted upon motion of Senator Pederson and referred for enrollment.

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 Bice presiding.

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

REPORT OF ENGROSSED AND ENROLLED MEASURE

SR 2X was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 18X** was declared adopted upon roll call as follows:

Aye: Allen, Bergstrom, Bice, Brecheen, Brooks, Dahm, Daniels, David, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Matthews, McCortney, Newberry, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Schulz, Scott, Shaw, Simpson, Smalley, Standridge, Stanislawski, Thompson, Treat and Yen.--36.

Excused: Bass, Boggs, Brown, Dossett, Newhouse, Pittman, Sharp, Silk, Sparks and Sykes.--10.

Vacancy: Districts 27 and 45.--2.

SB 18X was read at length.

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

Aye: Allen, Bergstrom, Bice, Brecheen, Brooks, Dahm, Daniels, David, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Matthews, McCortney, Newberry, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Schulz, Scott, Shaw, Simpson, Smalley, Standridge, Stanislawski, Thompson, Treat and Yen.--36.

Excused: Bass, Boggs, Brown, Dossett, Newhouse, Pittman, Sharp, Silk, Sparks and Sykes.--10.

Vacancy: Districts 27 and 45.--2.

The bill and emergency passed.

SB 18X was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1035, 1081, 1082, 1083** and **1084**.

HB 1035 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to revenue and taxation; stating purpose; imposing additional tax levy upon cigarettes; specifying amount of additional levy; providing for apportionment of revenues; exempting levy from inclusion in determination of certain amounts; requiring certain collections and administration of levy; prohibiting sale of cigarette excise tax stamps to wholesalers in excess of certain amount; providing exception; creating the State Health Care Enhancement Fund; exempting fund from fiscal year limitations; identifying funding source; authorizing appropriations from fund for certain purpose; amending 68 O.S. 2011,

Section 311, which relates to discount sales of tax stamps on cigarettes and tobacco; decreasing amount of discount; amending 68 O.S. 2011, Sections 402, 402-1 and 402-3, which relate to tax levies on tobacco products; providing that little cigars be taxed in the same rate and manner as cigarettes; clarifying language; imposing additional tax levy upon chewing tobacco; specifying amount of additional levy; providing for apportionment of revenues; prohibiting certain acts; declaring levy as a tax on the consumer; stating purpose; imposing tax on gasoline and diesel fuel; establishing amount of tax per gallon; requiring deposit of certain revenue, penalties and interest in certain fund; amending 68 O.S. 2011, Section 500.10, which relates to exemption from motor fuels tax; extending exemptions to additional tax levy; amending 69 O.S. 2011, Section 1521, as last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp. 2017, Section 1521), which relates to the Rebuilding Oklahoma Access and Driver Safety Fund; modifying calculation of certain annual apportionments; amending 37 O.S. 2011, Section 576, as last amended by Section 18, Chapter 298, O.S.L. 2014 (37 O.S. Supp. 2017, Section 576), which relates to gross receipts taxes on products sold by certain licensees; making applicable to low-point beer; defining term; providing that tax be in addition to other taxes; repealing 37 O.S. 2011, Section 576, as last amended by Section 11 of this act, which relates to gross receipts taxes on products sold by certain licensees; repealing 68 O.S. 2011, Section 402-2, which relates to additional tax on tobacco products; ordering a legislative referendum pursuant to the Oklahoma Constitution; providing for codification; providing for noncodification; and providing effective dates.

HB 1081 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to public finance; enacting the FY 18 Budget Adjustment Act; making an appropriation to the Department of Mental Health and Substance Abuse Services; providing for noncodification; and declaring an emergency.

HB 1082 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to public finance; enacting the FY 18 Budget Adjustment Act; making an appropriation to the Oklahoma Health Care Authority; providing for noncodification; and declaring an emergency.

HB 1083 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to public finance; enacting the FY 18 Budget Adjustment Act; making an appropriation to the Department of Mental Health and Substance Abuse Services; providing for noncodification; and declaring an emergency.

HB 1084 – By Wallace and Casey of the House and David and Fields of the Senate.

An Act relating to public finance; enacting the FY 18 Budget Adjustment Act; making an appropriation to the Department of Human Services; providing for noncodification; and declaring an emergency.

The above-numbered measures were read the first time.

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, October 31, 2017, at 1:30 p.m., which motion prevailed.

CHANGE IN COMMITTEE ASSIGNMENT

The following bill will be reassigned as follows:

SB 24X – Withdrawn from Joint Committee on Appropriations and Budget and referred Direct to Calendar

Pursuant to the Treat motion, the Senate adjourned at 5:40 p.m. to meet Tuesday, October 31, 2017, at 1:30 p.m.