

# Senate Journal

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

**Forty-eighth Legislative Day, Wednesday, April 28, 2021**

The Senate was called to order by Senator McCortney.

Roll Call:

Present: Allen, Bergstrom, Boren, 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.—47.

Excused: Brooks.—1.

Senator McCortney declared a quorum present.

The prayer was offered by Reverend Dr. Lee E. Cooper, Jr., Prospect Baptist Church, Oklahoma City, the guest of Senator Young.

### INTRODUCTIONS

Senator Burns introduced his wife, Patty, and their grandson, Jagur Jones; and Senator Jett introduced his wife, Ana, to the Senate.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 184, 252, 405 and 600** were each 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 8** were concurred in upon motion of Senator Bergstrom.

**SB 8**, 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, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Garvin, 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.--41.

Nay: Boren, Floyd, Hicks, Matthews and Young.--5.

Excused: Brooks and Hall.--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 57** were concurred in upon motion of Senator Rader.

**SB 57**, 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, Boren, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, 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.--46.

Excused: Brooks and Hall.--2.

The bill and emergency passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 85** were concurred in upon motion of Senator Coleman.

**SB 85**, 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, Boren, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, 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.--46.

Excused: Brooks and Hall.--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 171** were concurred in upon motion of Senator Daniels.

**SB 171**, 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, Boren, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, 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.--46.

Excused: Brooks and Hall.--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 200** were concurred in upon motion of Senator Montgomery.

**SB 200**, 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, Boren, Bullard, Burns, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hamilton, Haste, Hicks, Howard, Jech, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat and Weaver.--40.

Nay: Bergstrom, Dahm, Jett, Merrick, Pugh and Young.--6.

Excused: Brooks and Hall.--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 277** were concurred in upon motion of Senator Montgomery.

**SB 277**, 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, Boren, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Haste, Hicks, Howard, Jech, Kidd, Kirt, Matthews, McCortney, Montgomery, Paxton, Pemberton, Pugh, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--34.

Nay: Bergstrom, Bullard, Dahm, Hamilton, Jett, Leewright, Merrick, Murdock, Newhouse, Pederson and Quinn.--11.

Excused: Brooks, Burns and Hall.--3.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 246** were concurred in upon motion of Senator Allen.

**SB 246**, 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, Bullard, Coleman, Dahm, Daniels, David, Dugger, Garvin, Hamilton, Haste, 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.--37.

Nay: Boren, Dossett (J.A.), Dossett (J.J.), Floyd, Hicks, Kirt, Matthews and Young.--8.

Excused: Brooks, Burns and Hall.--3.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 267** were concurred in upon motion of Senator Pemberton.

**SB 267**, 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, Boren, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hamilton, Haste, Hicks, Howard, Jech, Jett, Kidd, Kirt, Leewright, Matthews, McCortney, Merrick, Montgomery, Murdock, Newhouse, Pederson, Pemberton, Pugh, Quinn, Rader, Rogers, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Weaver and Young.--44.

Nay: Paxton.--1.

Excused: Brooks, Hall and Treat.--3.

The bill and emergency passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 272** were concurred in upon motion of Senator Weaver.

**SB 272**, 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, Boren, Bullard, Burns, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hamilton, Haste, Hicks, Howard, Jech, Jett, 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.--44.

Nay: Dahm and Merrick.--2.

Excused: Brooks and Hall.--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 298** were concurred in upon motion of Senator Dugger.

**SB 298**, 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, Boren, Bullard, Burns, Coleman, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Haste, Hicks, Howard, Jech, Kidd, Kirt, Leewright, Matthews, McCortney, Montgomery, Murdock, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Rosino, Simpson, Standridge, Stanley, Stephens, Taylor, Thompson, Treat, Weaver and Young.--41.

Nay: Dahm, Hamilton, Jett, Merrick and Rogers.--5.

Excused: Brooks and Hall.--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 310** were concurred in upon motion of Senator Murdock.

**SB 310**, 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, Bullard, Burns, Coleman, Dahm, Daniels, David, Dossett (J.A.), Dossett (J.J.), Dugger, Floyd, Garvin, Hamilton, Haste, 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, Weaver and Young.--42.

Nay: Boren, Hicks, Kirt and Matthews.--4.

Excused: Brooks and Hall.--2.

The bill passed.

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

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 184, 252, 405 and 600**.

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

Advising the Honorable Senate that the House has rescinded the rejection of **SAs** and the request for conference for **HB 1967**.

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1062, 1065, 1093, 1148, 1153, 1876, 1967, 2193, 2338, 2403 and 2565**.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1006, 1009, 1024, 1060, 1061, 1103, 1566, 1567, 1712, 2292, 2312, 2316, 2321, 2325, 2471 and 2677**.

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

**EXECUTIVE NOMINATIONS**

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

Bachman, Jahni Tapley, Idabel, as a member of the Board of Trustees for Southeastern Oklahoma State University-McCurtain County Campus - Education

Brought, Barbara, Duncan, as a member of the Oklahoma Arts Council - Education

Carey, Peter H., Tulsa, as a member of the Oklahoma Development Finance Authority - Finance

Carey, Peter H., Tulsa, as a member of the Oklahoma Industrial Finance Authority - Finance

Chapman, Tracie L., Mannsville, as a member of the Oklahoma Arts Council - Education

Cid, Christina, Choctaw, as a member of the Board of Examiners for Speech-Language Pathology and Audiology - Health and Human Services

Downing, Timothy J., Purcell, as a member of the Military Court of Appeals - Judiciary

Dyson, Duane R., Owasso, as a member of the Alarm, Locksmith and Fire Sprinkler Industry Committee - Business, Commerce and Tourism

Higgins, William R., Claremore, as a member of the J.M. Davis Memorial Commission - Business, Commerce and Tourism

Holmes, Gary, Tulsa, as a member of the Alarm, Locksmith and Fire Sprinkler Industry Committee - Business, Commerce and Tourism

James, Michael D., Oklahoma City, as a member of the Oklahoma State Athletic Commission - Business, Commerce and Tourism

Kane, John, Bartlesville, as a member of the Oklahoma Tourism and Recreation Commission - Business, Commerce and Tourism

Lassiter, Shonda, Moore, as a member of the Board of Pharmacy - Health and Human Services

Mitchell, Brian E., Cherokee, as a member of the Military Court of Appeals - Judiciary

Sanders, Carrie, Enid, as a member of the Forensic Review Board - Public Safety



Smith, Terry L., Oklahoma City, as a member of the Oklahoma State Athletic Commission - Business, Commerce and Tourism

Vernon, Randa R., Broken Arrow, as a member of the Oklahoma Securities Commission - Business, Commerce and Tourism

Visor, M.D., Rick L., Guthrie, as a member of the Board of Examiners for Speech-Language Pathology and Audiology - Health and Human Services

### **PENDING CONSIDERATION OF HAS**

**HAs to SBs 207, 334, 345, 408, 516 and 959** were rejected upon motion of Senator David, conference requested, and Senate conferees to be named later.

Senator David moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 29, 2021, 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, As Amended:

**CS for SB 1066** – Select Committee on Redistricting

Ayes: Burns, Coleman, Daniels, Kirt, Matthews, Montgomery, Murdock, Paxton, Pemberton, Pugh, Rader, Simpson

### **MESSAGES FROM THE GOVERNOR**

Advising his approval April 28, 2021, of Enrolled **SBs 13, 17, 89, 114, 123, 199, 211, 265, 304, 340, 343, 348, 379, 415, 436, 460, 499, 529, 552, 578, 587, 606, 607, 728, 770, 792, 801 and 812.**

Advising his veto April 28, 2021, of Enrolled **SBs 419 and 821.**

The veto messages read as follows:

April 28, 2021

To the Honorable President Pro Tempore  
And Members of the Oklahoma Senate

First Session of the  
Fifty-Eighth Oklahoma Legislature

**ENROLLED SENATE BILL NO 419:**

Pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution, I have vetoed Senate Bill 419.

Senate Bill 419 would forbid a school district from deciding whether teachers may use the highest-achieved score from the required statewide United States History assessment in calculating the final grade of a student in a social studies, history, or citizenship skills unit.

This Administration has prioritized the importance of local control of education. Senate Bill 419 is an example of legislative overreach into the classroom. The State should not dictate to a school district how to calculate a student's grade. Further, enactment of Senate Bill 419 opens the door to other legislative encroachments on the abilities of school districts to set their own grading policies.

For these reasons, I have vetoed Senate Bill 419.

By the Governor of the State of Oklahoma  
/s/ Kevin Stitt

April 28, 2021

To the Honorable President Pro Tempore  
And Members of the Oklahoma Senate  
First Session of the  
Fifty-Eighth Oklahoma Legislature

**ENROLLED SENATE BILL NO 821:**

Pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution, I have vetoed Senate Bill 821.

Senate Bill 821 attempts to extend restrictions on the management of pharmacy benefits in such a way that would slow innovation in the delivery of health care in Oklahoma and it places an undue burden on employers. More importantly, the cost of this burden would be passed onto Oklahoma employees. Businesses from across the state that are self-insured and/or have ERISA-governed plans are not pharmacy benefit managers. Unfortunately, Senate Bill 821 treats them as if they are and entangles them in red tape and compliance costs. Businesses across the state have spoken out on behalf of their employees, advocating for them to be protected from prescription drug cost increases.

As Governor of all four million Oklahomans, I call on the Legislature to develop a compromise on this issue that puts Oklahoma consumers first by encouraging innovation and low costs for all Oklahoma employees and their families, while guaranteeing an even playing field for our home-town pharmacists. This can be done by exempting self-insured businesses and ERISA-governed plans from the restrictions originally designed for Pharmacy Benefit Managers.

For these reasons, I have vetoed Senate Bill 821.

By the Governor of the State of Oklahoma  
/s/ Kevin Stitt

Pursuant to the David motion, the Senate adjourned at 2:30 p.m. to meet Thursday, April 29, 2021, at 9:30 a.m.