

Senate Journal

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

Sixteenth Legislative Day, Thursday, February 25, 2016

The Senate was called to order by Senator Stanislawski.

Roll Call:

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

Excused: Dossett, Fry, Garrison and Newberry.—4.

Senator Stanislawski declared a quorum present.

The prayer was offered by Pastor Alex Costea, Cheyenne United Methodist Church, Cheyenne, the guest of Senator Jech.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 945, 1070, 1217, 1350, 1446 and 1490 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SR 45 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

INTRODUCTIONS

Senator Quinn introduced his mother, Sue Quinn, his aunt, Pat Stone, and his wife, Kelley, to the Senate.

FIRST READING

The following was introduced and read the first time:

SR 46 – By Shortey.

A Resolution recognizing February 25, 2016, as Hunger Action Day in Oklahoma; commending the effort to combat hunger in the state; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Shortey asked unanimous consent to refer **SR 46** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 46 by Shortey was called up for consideration.

All other members of the Senate asked to coauthor **SR 46**, which was the order.

SR 46 was adopted upon motion of Senator Shortey and referred for enrollment.

MOTION TO RECONSIDER VOTE

Senator Brooks moved to reconsider the vote whereby **SB 1335** failed, which motion was declared adopted upon roll call as follows:

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, David, Fields, Floyd, Ford, Griffin, Halligan, Jech, Justice, Loveless, Marlatt, Matthews, Mazzei, Paddack, Pittman, Quinn, Schulz, Sharp, Shortey, Simpson, Sparks, Standridge, Stanislawski, Thompson, Treat and Yen.--35.

Nay: Dahm and Sykes.--2.

Excused: Crain, Dossett, Fry, Garrison, Holt, Jolley, Newberry, Shaw, Silk, Smalley and Wyrick.--11.

THIRD READING

Senator Brooks moved to reconsider the vote whereby **SB 1335** was advanced, which motion was declared adopted.

GENERAL ORDER

SB 1335 by Brooks of the Senate and Christian of the House was called up for consideration.

Senator Brooks moved that **SB 1335** be advanced, which motion was declared adopted.

THIRD READING

SB 1335 was read for the third time at length.

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

Aye: Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, David, Fields, Floyd, Ford, Griffin, Halligan, Holt, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Paddack, Pittman, Quinn, Schulz, Sharp, Shortey, Simpson, Sparks, Standridge, Stanislawski, Thompson, Treat and Yen.--35.

Nay: Allen, Dahm and Sykes.--3.

Excused: Crain, Dossett, Fry, Garrison, Jech, Newberry, Shaw, Silk, Smalley and Wyrick.--10.

The bill passed.

SB 1335 was referred for engrossment.

GENERAL ORDER

SB 1194 by David of the Senate and Nollan of the House was called up for consideration.

Senator David moved that **SB 1194** be advanced, which motion was declared adopted.

THIRD READING

SB 1194 was read for the third time 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, Dahm, David, Fields, Floyd, Ford, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Paddack, Pittman, Quinn, Schulz, Sharp, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--39.

Excused: Crain, Dossett, Fry, Garrison, Newberry, Shaw, Silk, Smalley and Wyrick.--9.

The bill passed.

SB 1194 was referred for engrossment.

GENERAL ORDER

SB 1209 by David of the Senate and Hall of the House was called up for consideration.

Senator David moved that **SB 1209** be advanced, which motion was declared adopted.

THIRD READING

SB 1209 was read for the third time at length.

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

Aye: Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brooks, Brown, David, Fields, Floyd, Ford, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Paddack, Pittman, Quinn, Schulz, Sharp, Shortey, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat and Yen.--35.

Nay: Allen, Brecheen, Dahm, Mazzei and Sykes.--5.

Excused: Crain, Dossett, Fry, Garrison, Newberry, Shaw, Silk and Wyrick.--8.

The bill passed.

SB 1209 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1570** was adopted upon motion of Senator Jolley.

SB 1570 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, Brecheen, Brooks, Brown, Dahm, David, Fields, Floyd, Ford, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Paddack, Pittman, Quinn, Schulz, Sharp, Shortey,

Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--40.

Excused: Crain, Dossett, Fry, Garrison, Newberry, Shaw, Silk and Wyrick.--8.

The bill and emergency passed.

SB 1570 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2273, 2404, 2546, 2619, 2642, 2694, 2710, 2757, 3116, 3117** and **3126**.

HB 2273 – By McDaniel (Randy) of the House and Smalley of the Senate.
[Oklahoma Police Pension and Retirement System - modifying references to certain individual retirement accounts - ~~effective date~~ –

HB 2404 – By Faught of the House and Stanislawski of the Senate.
An Act relating to schools; amending 70 O.S. 2011, Section 1-114, which relates to free attendance at public schools for children of certain age; requiring State Board of Education to promulgate certain rules; and providing an effective date.

HB 2546 – By Mulready of the House and Sharp of the Senate.
An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 858-803, 858-804, 858-809, 858-810, 858-811, 858-819, 858-820 and 858-828, which relate to the Oklahoma Appraisal Management Company Regulation Act; adding definition; modifying registration; modifying qualifications of controlling person; requiring notification of discipline; requiring compliance of federal law; clarifying language; and providing an effective date.

HB 2619 – By Thomsen of the House and Quinn of the Senate.
An Act relating to state government; amending 74 O.S. 2011, Section 85.451, as last amended by Section 103, Chapter 15, O.S.L. 2013 (74 O.S. Supp. 2015, Section 85.451), which relates to the Trip Optimizer system; requiring Office of Management and Enterprise Services publish schedule of reimbursement rates; and providing an effective date.

HB 2642 – By Vaughan of the House and Fields of the Senate.
An Act relating to game and fish; amending 29 O.S. 2011, Section 4-136, which relates to special use permits for hunting, fishing or using certain private lands; deleting land size restriction for special use permits to use certain private lands; and declaring an emergency.

HB 2694 – By Sears of the House and Jolley of the Senate.

An Act relating to the Commissioners of the Land Office; amending 61 O.S. 2011, Sections 60, as last amended by Section 1, Chapter 302, O.S.L. 2013 and 61, as last amended by Section 2, Chapter 302, O.S.L. 2013 (61 O.S. Supp. 2015, Sections 60 and 61), which relate to state consultants; exempting the Commissioners of the Land Office from requirements to use certain construction manager, consultant and construction contract forms; excluding the Commissioners from the definition of a state agency; amending 61 O.S. 2011, Sections 202, as last amended by Section 7, Chapter 302, O.S.L. 2013 and 208, as last amended by Section 11, Chapter 302, O.S.L. 2013 (61 O.S. Supp. 2015, Sections 202 and 208), which relate to the Public Facilities Act; excluding the Commissioners from the definition of a state agency; adding the Commissioners to certain exemption; authorizing the Commissioners to invite the presentation of certain proposals for investment real property; defining investment real property; requiring proposals to be evaluated by the investment committee; requiring the Commissioners to make certain decisions; specifying criteria used to evaluate proposals; authorizing the Secretary of the Land Office to enter into certain negotiations and contracts; allowing the Commissioners to reject bids; amending 64 O.S. 2011, Section 1013, as last amended by Section 2, Chapter 117, O.S.L. 2014 (64 O.S. Supp. 2015, Section 1013), which relates to the investment of funds; authorizing the Commissioners to retain investment managers for the management of investment real property; amending 64 O.S. 2011, Section 1015, which relates to appraisals and determining fair market value; changing statutory citation; and providing for codification.

HB 2710 – By Ortega of the House and Thompson of the Senate.

An Act relating to state government; amending 74 O.S. 2011, Section 840-1.6A, as amended by Section 6, Chapter 303, O.S.L. 2012 (74 O.S. Supp. 2015, Section 840-1.6A), which relates to the Oklahoma Personnel Act; modifying duties of the Director of the Office of Management and Enterprise Services; and providing an effective date.

HB 2757 – By Kirby of the House and Shortey of the Senate.

An Act relating to child support; amending 43 O.S. 2011, Section 114, as amended by Section 2, Chapter 253, O.S.L. 2012 (43 O.S. Supp. 2015, Section 114), which relates to interest on past-due child support; prohibiting certain interest payments for past-due child support and other support judgments; amending 43 O.S. 2011, Sections 118A, 118C and 118I, which relate to child support guidelines; modifying term; updating statutory citation; permitting income adjustment for child born after the child in the support order; providing calculation for after-born child; directing court to apply principles of equity in modification due to change in circumstances; authorizing court to approve modification that deviates from the guidelines; removing notice requirement; and providing an effective date.

HB 3116 – By Martin of the House and Smalley of the Senate.

An Act relating to environment and natural resources; amending Section 1, Chapter 212, O.S.L. 2012, as amended by Section 1, Chapter 81, O.S.L. 2015 (27A O.S. Supp. 2015, Section 3-4-106.1), which relates to the Oklahoma State Facilities Energy Conservation Program; modifying authority of the Director of the Office of State Finance to determine compliance of certain programs; and declaring an emergency.

HB 3117 – By Martin of the House and Standridge of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2011, Sections 6-106, as last amended by Section 1, Chapter 242, O.S.L. 2014, 6-114, as amended by Section 6, Chapter 259, O.S.L. 2013 and 6-115, as amended by Section 1, Chapter 75, O.S.L. 2013 (47 O.S. Supp. 2015, Sections 6-106, 6-114 and 6-115), which relate to driver license and identification cards; making U.S. passports acceptable form of both primary and secondary proofs of identity; providing for promulgation of rules; and providing an effective date.

HB 3126 – By Cockroft of the House and Smalley of the Senate.

An Act relating to 9-1-1 emergency services; creating the Oklahoma 9-1-1 Management Authority Act; providing definitions; creating the Oklahoma 9-1-1 Management Authority; stating purpose of the Authority; establishing membership of the Authority; providing for vacancies; prohibiting compensation; providing for designation of a chair and meeting; making the Authority subject to certain acts; directing the Oklahoma Department of Emergency Management to provide certain support; providing for payments of certain expenses; making membership for certain members continuing; listing powers and duties of the Authority; imposing a telephone fee on certain devices, connections, services and transactions; prohibiting assessment of the fee on landline phone customers; providing for the replacement of certain fees with the telephone fee; requiring deposit of certain amount of the telephone fee in the Oklahoma 9-1-1 Management Authority Revolving Fund; specifying uses of the funds; requiring telephone fees to be paid to the Oklahoma Tax Commission; providing for retention of a certain percentage of the telephone fee for administrative costs; making certain subscribers liable for payment of the telephone fee; allowing certain billing; limiting obligations of certain providers to collect the telephone fee; requiring credit for partial payments; providing for the collection of the telephone fee as part of regular billing; providing for recovery of certain costs; directing certain providers to maintain records for certain period; authorizing annual audits; requiring certain providers to provide an annual census of subscribers; prohibiting the disclosure of certain proprietary information; providing for payment of certain transaction fees to the Oklahoma Tax Commission in certain manner; providing for retention of certain percentage of the transaction fees for administrative costs; providing for collection of the transaction fee from consumers; making consumers liable for payment of the transaction fee; making the seller liable for remittance of the transaction fee; excluding transaction fee when measuring certain taxes and charges; requiring public agencies to use certain funds for certain 9-1-1 emergency telephone services; requiring deposit of fund into a separate 9-1-1 wireless telephone service account; requiring certain public agencies to submit an improvement plan to the Authority; providing for escrow of fees until a plan is submitted; requiring public agencies to conduct annual audits; providing for costs of the annual audit; requiring public agencies to submit certain reports and audits to the Authority; specifying power of the Authority to approve or deny reports; directing public agencies to meet at certain times for certain purposes; making public agencies subject to certain acts; creating the Oklahoma 9-1-1 Management Authority Revolving Fund; making the fund a continuing fund; stating source of monies; appropriating funds; providing for expenditures for certain purposes; requiring expenditures to be made upon warrants; amending 63 O.S. 2011, Section 2819, which relates to making a false 9-1-1 call; changing references from nine-one-one to 9-1-1; updating statutory citation; amending 63 O.S. 2011, Section 2849, which

relates to the Regional Emergency Nine-One-One Services Act; changing references from nine-one-one to 9-1-1; changing certain dates; deleting certain adoption requirements; changing definition; requiring submission of the master plan to the Authority; stating power of the Authority regarding the plan; authorizing the Oklahoma Department of Emergency Management to promulgate rules; repealing 63 O.S. 2011, Section 2821, which relates to the nature of certain provisions of law; repealing 63 O.S. 2011, Sections 2841, 2842, 2843, 2843.1, 2843.2, 2844 and 2847, which relate to the Nine-One-One Wireless Emergency Number Act; repealing 63 O.S. 2011, Sections 2851, 2852 and 2853, which relate to the Nine-One-One Voice over Internet Protocol (VoIP) Emergency Service Act; providing for codification; providing for noncodification; providing for recodification; and providing effective dates.

The above-numbered measures were read the first time.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Schulz, the request of the Honorable House for conference on **HB 1622** was ordered granted and bill referred to GCCA.

EXECUTIVE NOMINATIONS

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

Barrick, Ross, Kingfisher, as a member of the Oklahoma Uniform Building Code Commission - Business & Commerce

Bryant, G. Keith, Oklahoma City, as a member of the State Fire Marshal Commission - General Government

Callahan, Jarold, Edmond, as a member of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges - Education

Cullison, Johnny B., Shawnee, as a member of the Committee of Home Inspector Examiners - Business & Commerce

Jackson, Teresa K., Hartshorne, as a member of the Board of Regents of Eastern Oklahoma State College - Education

King, Keith, Ardmore, as a member of the Board of Trustees for the University Center of Southern Oklahoma - Education

Mason, G. Steve, Jr., Oklahoma City, as a member of the Environmental Quality Board
- Energy

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, February 29, 2016, at 1:30 p.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

SB 972 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Matthews, Paddack

DO PASS, As Amended:

CS for SB 16 – Energy

Ayes: Allen, Crain, Fields, Griffin, Justice, Loveless, Marlatt, Sparks, Treat

CS for SB 735 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Holt, Matthews, Paddack

CS for SB 952 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Holt, Matthews, Paddack

CS for SB 959 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Holt, Matthews, Paddack

SB 993 – Energy

Ayes: Allen, Crain, Fields, Griffin, Justice, Loveless, Marlatt, Sparks, Treat

CS for SB 997 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Holt, Paddack

CS for SB 1018 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Holt, Matthews, Paddack, Schulz

CS for SB 1056 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Holt, Matthews, Paddack

CS for SB 1057 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Holt, Paddack

CS for SB 1112 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Matthews, Paddack

CS for SB 1149 – Business and Commerce

Ayes: Bice, Dahm, Halligan, Sharp, Thompson, Yen

CS for SB 1202 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Holt, Matthews, Paddack

CS for SB 1218 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Holt, Matthews, Paddack

CS for SB 1219 – Energy

Ayes: Allen, Fields, Griffin, Justice, Loveless, Marlatt, Sparks, Treat, Wyrick

Nays: Crain

CS for SB 1271 – Energy

Ayes: Crain, Fields, Griffin, Justice, Loveless, Marlatt, Sparks

Nays: Allen, Treat, Wyrick

SB 1291 – Energy

Ayes: Crain, Fields, Justice, Loveless, Marlatt, Sparks, Standridge, Treat, Wyrick

Nays: Allen

SB 1379 – Energy

Ayes: Allen, Crain, Fields, Justice, Loveless, Marlatt, Sparks, Standridge, Treat,
Wyrick

SB 1388 – Energy

Ayes: Crain, Fields, Griffin, Justice, Loveless, Marlatt, Sparks, Treat

Nays: Allen

SB 1406 – Public Safety

Ayes: Barrington, Brooks, David, Ford, Holt, Matthews, Paddack

Nays: Brecheen, Schulz

CS for SB 1413 – Energy

Ayes: Allen, Crain, Fields, Griffin, Justice, Loveless, Marlatt, Sparks, Treat

CS for SB 1496 – Business and Commerce

Ayes: Bice, Dahm, Halligan, Sharp, Thompson, Yen

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

- SB 58** - Coauthored by Billy (principal House author)
- SB 735** - Coauthored by Derby (principal House author)
- SB 743** - Coauthored by Murdock (principal House author)
- SB 901** - Coauthored by Rousselot (principal House author)
- SB 1083** - Coauthored by Echols (principal House author)
- SB 1185** - Coauthored by Derby (principal House author)
- SB 1198** - Coauthored by Jordan (principal House author)
- SB 1223** - Coauthored by Rousselot (principal House author)
- SB 1239** - Coauthored by McCall (principal House author)
- SB 1341** - Coauthored by Echols (principal House author)
- SB 1360** - Coauthored by Ownbey (principal House author)
- SB 1390** - Coauthored by McCall (principal House author)
- SB 1413** - Remove as author Senator Marlatt; authored by Smalley
- SB 1477** - Coauthored by Cox (principal House author)
- SB 1493** - Coauthored by Matthews
- SB 1552** - Coauthored by Sharp

Pursuant to the Schulz motion, the Senate adjourned at 10:35 a.m. to meet Monday, February 29, 2016, at 1:30 p.m.