

# Senate Journal

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

Sixth Legislative Day, Monday, February 13, 2017

The Senate was called to order by Senator Marlatt.

Roll Call:

Present: Allen, Bass, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Holt, Jech, Kidd, Leewright, Loveless, 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.—46.

Excused: Fry and Shortey.—2.

Senator Marlatt declared a quorum present.

The prayer was offered by Pastor Joshua P. Kerr, First Presbyterian Church, Perry, the guest of Senator Griffin.

### FIRST READING

The following were introduced and read the first time:

**SCR 3** – By Brecheen.

A Concurrent Resolution stating that Black Vultures have caused depredation in the cattle industry; stating Black Vultures are protected species; describing an insufficient process to address the depredation; urging the Animal and Plant Health Inspection Service to ease restrictions and limitations; and directing distribution.

**SR 1** – By Sharp.

A Resolution applauding the 2016 Class 3A State Football Champions, the Jones Longhorns; congratulating quarterback Brandon George; commending head coach Dave Martin; and directing distribution.

**SR 2** – By Matthews.

A Resolution recognizing the importance of hunger relief efforts; designating February 15, 2017, as Hunger Action Day in Oklahoma.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Sharp asked unanimous consent to refer **SR 1** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SR 1** by Sharp was called up for consideration.

All other members of the Senate asked to coauthor **SR 1**, which was the order.

**SR 1** was adopted upon motion of Senator Sharp and referred for enrollment.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1552, 1553, 1991, 1992, 1993, 1995, 1996, 1997** and **1998**.

**HB 1552** – By Faught and Roberts (Dustin) of the House and Holt of the Senate.

An Act relating to statutes and reports; amending 75 O.S. 2011, Section 308, as amended by Section 4, Chapter 357, O.S.L. 2013, and Section 6, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2016, Sections 308 and 308.3), which relate to the Administrative Procedures Act; requiring approval of certain rules; providing exception to the omnibus joint resolution; and providing an effective date.

**HB 1553** – By Faught of the House and Sykes of the Senate.

An Act relating to statutes and reports; amending 75 O.S. 2011, Sections 308, as amended by Section 4, Chapter 357, O.S.L. 2013, and 6, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2016, Section 308 and 308.3), which relate to the Administrative Procedures Act; requiring approval of certain rules; providing exception to the omnibus joint resolution; and providing an effective date.

**HB 1991** – By Jordan of the House and Dahm of the Senate.

An Act relating to sunset; amending 67 O.S. 2011, Section 305, as amended by Section 1, Chapter 295, O.S.L. 2013 (67 O.S. Supp. 2016, Section 305), which relates to the Archives and Records Commission; re-creating the Commission; and modifying termination date.

**HB 1992** – By Jordan of the House and Dahm of the Senate.

An Act relating to sunset; amending 72 O.S. 2011, Section 241, as amended by Section 1, Chapter 297, O.S.L. 2013 (72 O.S. Supp. 2016, Section 241), which relates to the State Accrediting Agency; re-creating the agency; and modifying termination date.

**HB 1993** – By Jordan of the House and Griffin of the Senate.

An Act relating to sunset; amending 59 O.S. 2011, Section 199.2, as last amended by Section 2, Chapter 260, O.S.L. 2014 (59 O.S. Supp. 2016, Section 199.2), which relates to the State Board of Cosmetology and Barbering; re-creating the Board; and modifying termination date.

**HB 1995** – By Jordan of the House and Marlatt of the Senate.

An Act relating to sunset; amending 52 O.S. 2011, Section 288.3, as amended by Section 1, Chapter 294, O.S.L. 2013 (52 O.S. Supp. 2016, Section 288.3), which relates to the Oklahoma Energy Resources Board; re-creating the Board; and modifying termination date.

**HB 1996** – By Jordan of the House and Kidd of the Senate.

An Act relating to sunset; amending 10 O.S. 2011, Section 640.1, as amended by Section 1, Chapter 44, O.S.L. 2013 (10 O.S. Supp. 2016, Section 640.1), which relates to the Oklahoma Partnership for School Readiness Board; re-creating the Board; and modifying termination date.

**HB 1997** – By Jordan of the House and Kidd of the Senate.

An Act relating to sunset; amending 2 O.S. 2011, Section 18-181, as amended by Section 1, Chapter 293, O.S.L. 2013 (2 O.S. Supp. 2016, Section 18-181), which relates to the Sheep and Wool Utilization, Research and Market Development Commission; re-creating the Commission; and modifying termination date.

**HB 1998** – By Jordan of the House and Newberry of the Senate.

An Act relating to sunset; amending 59 O.S. 2011, Section 858-201, as amended by Section 1, Chapter 296, O.S.L. 2013 (59 O.S. Supp. 2016, Section 858-201), which relates to the Oklahoma Real Estate Commission; re-creating the Commission; and modifying termination date.

The above-numbered measures were read the first time.

## **EXECUTIVE NOMINATIONS**

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

Alexander, Bobby J., Woodward, as a member of the Transportation Commission -  
Transportation

Cantillion, Richard, Blackwell, as a member of the Board of Trustees for the University Center at Ponca City - Education

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 14, 2017, 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 2 – Education**

Ayes: Allen, Dossett, Dugger, Fields, Pemberton, Pittman, Sharp, Smalley, Stanislawski, Thompson

Nays: Bergstrom, Brecheen, Loveless, Scott, Sykes

**SB 46 – General Government**

Ayes: Bice, Boggs, Dahm, Floyd, Holt, Kidd, Newhouse, Pittman, Shaw

Nays: Daniels

**SB 47 – General Government**

Ayes: Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Shaw

**SB 48 – General Government**

Ayes: Bice, Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Pittman, Shaw

**SB 59 – General Government**

Ayes: Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Shaw

**SB 151 – General Government**

Ayes: Bice, Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Shaw

Nays: Newhouse, Pittman

**SB 220 – General Government**

Ayes: Bice, Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Pittman, Shaw

**SB 230 – General Government**

Ayes: Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Shaw

**SB 390 – Education**

Ayes: Bergstrom, Brecheen, Dossett, Dugger, Fields, Loveless, Pemberton, Scott, Sharp, Stanislawski, Sykes

**SB 403** – General Government

Ayes: Bice, Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Pittman, Shaw

**SB 431** – Retirement and Insurance

Ayes: Brown, Leewright, Matthews, Newberry, Paxton, Pederson, Quinn, Sparks

**SB 452** – General Government

Ayes: Bice, Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Pittman, Shaw

**SB 495** – Retirement and Insurance

Ayes: Brown, Leewright, Matthews, Newberry, Paxton, Pederson, Quinn, Sparks

**SB 637** – General Government

Ayes: Bice, Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Pittman, Shaw

**SB 673** – Retirement and Insurance

Ayes: Brown, Leewright, Matthews, Newberry, Paxton, Pederson, Quinn, Sparks

**SB 697** – General Government

Ayes: Bice, Boggs, Dahm, Daniels, Holt, Kidd, Newhouse, Shaw

Nays: Floyd, Pittman

**SB 799** – General Government

Ayes: Bice, Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Pittman, Shaw

DO PASS, As Amended:

**SB 3** – Retirement and Insurance

Ayes: Brown, Leewright, Matthews, Newberry, Paxton, Pederson, Quinn, Sparks

**CS for SB 29** – Education

Ayes: Allen, Bergstrom, Brecheen, Dossett, Dugger, Fields, Loveless, Pemberton, Pittman, Scott, Sharp, Smalley, Stanislawski, Sykes, Thompson

**CS for SB 81** – Education

Ayes: Brecheen, Dossett, Dugger, Fields, Loveless, Pemberton, Sharp, Stanislawski, Sykes, Thompson

Nays: Bergstrom, Pittman, Smalley

**SB 115** – Retirement and Insurance

Ayes: Brown, Leewright, Matthews, Newberry, Paxton, Pederson, Quinn, Sparks

**SB 258** – General Government

Ayes: Bice, Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Pittman, Shaw

**SB 340** – General Government

Ayes: Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Shaw

**CS for SB 357** – Education

Ayes: Bergstrom, Brecheen, Dossett, Dugger, Fields, Loveless, Pemberton, Pittman, Scott, Sharp, Smalley, Stanislawski, Sykes, Thompson

Nays: Allen

**SB 392** – Education

Ayes: Bergstrom, Brecheen, Dugger, Fields, Loveless, Scott, Stanislawski, Sykes

Nays: Dossett, Pemberton, Sharp, Smalley, Thompson

**CS for SB 417** – General Government

Ayes: Bice, Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Pittman, Shaw

**SB 427** – Retirement and Insurance

Ayes: Brown, Leewright, Matthews, Newberry, Paxton, Pederson, Quinn, Sparks

**SB 478** – Retirement and Insurance

Ayes: Brown, Leewright, Newberry, Paxton, Pederson, Quinn, Sparks

Nays: Matthews

**SB 647** – General Government

Ayes: Bice, Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Pittman, Shaw

**SB 670** – Retirement and Insurance

Ayes: Brown, Leewright, Matthews, Newberry, Paxton, Pederson, Quinn, Sparks

**SB 725** – Education

Ayes: Bergstrom, Dossett, Dugger, Fields, Loveless, Pemberton, Pittman, Scott, Sharp, Smalley, Stanislawski, Thompson

Nays: Allen, Brecheen, Sykes

FAILED:

**SB 37** – Education

Ayes: Allen, Dugger, Loveless, Stanislawski

Nays: Bergstrom, Brecheen, Dossett, Fields, Pemberton, Pittman, Scott, Sharp, Smalley, Sykes, Thompson

## **COMMITTEE REPORTS**

The following were reported by the committees named and referred to a second committee:

DO PASS:

**SB 15** – Education

Ayes: Allen, Bergstrom, Brecheen, Dossett, Dugger, Fields, Loveless, Pemberton, Pittman, Scott, Sharp, Smalley, Stanislawski, Thompson

Nays: Sykes

**SB 45** – Education

Ayes: Allen, Bergstrom, Brecheen, Dossett, Dugger, Fields, Loveless, Pemberton, Pittman, Scott, Sharp, Smalley, Stanislawski, Sykes, Thompson

**SB 78** – Education

Ayes: Bergstrom, Brecheen, Dossett, Dugger, Fields, Loveless, Pemberton, Scott, Sharp, Smalley, Stanislawski, Sykes

**SB 301** – Education

Ayes: Allen, Bergstrom, Brecheen, Dossett, Dugger, Fields, Loveless, Pemberton, Pittman, Scott, Sharp, Smalley, Stanislawski, Sykes, Thompson

**SB 341** – General Government

Ayes: Boggs, Dahm, Daniels, Floyd, Holt, Kidd, Newhouse, Shaw

**SB 652** – Health and Human Services

Ayes: David, Floyd, Griffin, McCortney, Pittman, Pugh, Rader, Simpson, Standridge, Yen

Nays: Silk

**SB 741** – Health and Human Services

Ayes: David, Floyd, Griffin, McCortney, Pittman, Pugh, Rader, Silk, Simpson, Standridge, Yen

**SB 748** – Health and Human Services

Ayes: David, Floyd, Griffin, McCortney, Pittman, Pugh, Rader, Silk, Simpson, Standridge, Yen

**SB 819** – Health and Human Services

Ayes: David, Floyd, Griffin, McCortney, Pittman, Pugh, Rader, Silk, Simpson, Standridge, Yen

DO PASS, As Amended:

**SB 20** – Education

Ayes: Bergstrom, Brecheen, Dugger, Fields, Loveless, Pittman, Scott, Sharp, Stanislawski, Sykes

Nays: Allen, Dossett, Pemberton, Smalley, Thompson

**CS for SB 30** – Health and Human Services

Ayes: David, Floyd, Griffin, McCortney, Pittman, Pugh, Rader, Silk, Simpson, Yen

**SB 774** – Health and Human Services

Ayes: David, Floyd, Griffin, McCortney, Pittman, Pugh, Rader, Simpson, Standridge, Yen

Nays: Silk

**SECOND READING**

The following were read for the second time and referred to committee as indicated:

**SB 176** – Rules

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 15** - Coauthored by Senator Loveless

**SB 17** - Coauthored by Representative Nichols (principal House author)

**SB 33** - Coauthored by Representative Hardin (principal House author)

**SB 46** - Coauthored by Representative Jordan (principal House author)

**SB 47** - Coauthored by Representative Coody (principal House author)

**SB 48** - Coauthored by Representative Roberts (Sean) (principal House author)

**SB 61** - Coauthored by Representative Jordan (principal House author)

**SB 65** - Coauthored by Representative Roberts (Sean) (principal House author)

**SB 66** - Coauthored by Representative Bennett (John) (principal House author)

**SB 93** - Coauthored by Representative Biggs (principal House author)

**SB 149** - Coauthored by Representative Babinec (principal House author)

**SB 151** - Coauthored by Representative Babinec (principal House author)

**SB 154** - Coauthored by Representative Babinec (principal House author)

**SB 155** - Coauthored by Representative Babinec (principal House author)

**SB 172** - Coauthored by Representative Jordan (principal House author)

**SB 182** - Coauthored by Representative Murphey (principal House author)

**SB 194** - Coauthored by Representative Roberts (Sean) (principal House author)

**SB 230** - Coauthored by Representative Biggs (principal House author)

**SB 231** - Coauthored by Representative Cleveland (principal House author)



- SB 247** - Coauthored by Representative Nichols (principal House author)
- SB 248** - Coauthored by Representative Nichols (principal House author)
- SB 264** - Coauthored by Representative Caldwell (principal House author)
- SB 273** - Coauthored by Representative Biggs (principal House author)
- SB 280** - Coauthored by Representative O'Donnell (principal House author)
- SB 294** - Coauthored by Representative O'Donnell (principal House author)
- SB 303** - Coauthored by Representative Biggs (principal House author)
- SB 311** - Coauthored by Representative Biggs (principal House author)
- SB 319** - Coauthored by Representative Biggs (principal House author)
- SB 322** - Coauthored by Representative Biggs (principal House author)
- SB 326** - Coauthored by Representative Pfeiffer (principal House author)
- SB 327** - Coauthored by Representative Cleveland (principal House author)
- SB 329** - Coauthored by Senator Marlatt
- SB 340** - Coauthored by Representative Hall (principal House author)
- SB 378** - Coauthored by Representative Coody (principal House author)
- SB 403** - Coauthored by Representative Hall (principal House author)
- SB 410** - Coauthored by Senator Loveless
- SB 417** - Coauthored by Representative Cleveland (principal House author)
- SB 426** - Coauthored by Representative Pfeiffer (principal House author)
- SB 444** - Coauthored by Representative Murphey (principal House author)
- SB 445** - Coauthored by Senator Standridge
- SB 479** - Coauthored by Representative Cleveland (principal House author)
- SB 518** - Coauthored by Senator Marlatt
- SB 524** - Coauthored by Representative Martin (principal House author)
- SB 525** - Coauthored by Representative Rogers (principal House author)
- SB 538** - Coauthored by Representative Cleveland (principal House author)
- SB 560** - Coauthored by Representative Echols (principal House author)
- SB 568** - Coauthored by Representative Cleveland (principal House author)
- SB 581** - Coauthored by Representative Pfeiffer (principal House author)
- SB 637** - Coauthored by Representative Murphey (principal House author)
- SB 645** - Coauthored by Representative Kannady (principal House author)
- SB 647** - Coauthored by Representative Faught (principal House author)
- SB 673** - Coauthored by Representative Downing (principal House author)
- SB 711** - Coauthored by Representative Echols (principal House author)
- SB 749** - Coauthored by Representative Nichols (principal House author)
- SB 770** - Coauthored by Representative Kannady (principal House author)
- SB 776** - Coauthored by Representative Ownbey (principal House author)
- SB 798** - Coauthored by Representative Kannady (principal House author)
- SB 800** - Coauthored by Representative Kannady (principal House author)
- SCR 3** - Authored by Senator Brecheen
- SJR 14** - Coauthored by Representative Jordan (principal House author)

Pursuant to the Treat motion, the Senate adjourned at 1:55 p.m. to meet Tuesday, February 14, 2017, at 1:30 p.m.