

# Senate Journal

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

Seventh Legislative Day, Tuesday, February 14, 2017

The Senate was called to order by Senator Griffin.

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, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Yen.—47.

Excused: Fry.—1.

Senator Griffin declared a quorum present.

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

### REPORT OF ENGROSSED AND ENROLLED MEASURE

**SR 1** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### GENERAL ORDER

**SB 117** by Stanislawski of the Senate and McDaniel of the House was called up for consideration.

Senator Stanislawski moved to amend **SB 117**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Stanislawski moved that **SB 117** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 117** was read for the third time at length.

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

Aye: Allen, Bass, Bergstrom, Bice, Boggs, Brown, 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, Shortey, Simpson, Smalley, Stanislawski, Thompson, Treat and Yen.--41.

Nay: Brecheen, Dahm and Silk.--3.

Excused: Fry, Sparks, Standridge and Sykes.--4.

The bill passed.

**SB 117** was referred for engrossment.

**EXECUTIVE NOMINATION**

The following executive nomination has been approved by the committee named:

Cash, Dawn, Oklahoma City, to the Oklahoma Tax Commission, to serve a six-year term ending January 10, 2023, succeeding herself. (Appropriations Committee) Motion to confirm made by Senator Kyle Loveless.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: 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, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Stanislawski, Thompson, Treat and Yen.--44.

Excused: Fry, Sharp, Standridge and Sykes.--4.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1005, 1006, 1110, 1757, 1825, 2275 and 2314.**

**HB 1005** – By Biggs and Ritze of the House and Griffin of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1114, which relates to first and second degree rape; modifying elements of first and second degree rape; and providing an effective date.

**HB 1006** – By Murphey of the House and Dahm of the Senate.

An Act relating to public health and safety; repealing 63 O.S. 2011, Sections 1-559.1, 1-560.1, 1-821.1 and 2174, which relate to certain task forces and an advisory council; and providing an effective date.

**HB 1110** – By McDaniel and Ritze of the House and Newberry of the Senate.

An Act relating to labor; amending 40 O.S. 2011, Section 1-227, Section 3, Chapter 287, O.S.L. 2016, Sections 2-104 and 2-209, Section 12, Chapter 287, O.S.L. 2016, and Sections 4-508, as last amended by Section 19, Chapter 249, O.S.L. 2015 and 4-509 (40 O.S. Supp. 2016, Sections 1-229, 3-121 and 4-508), which relate to the Employment Security Act of 1980; updating language and statutory citations; providing for credit for taxable wages paid for certain employers; repealing 40 O.S. 2011, Section 3-809, which relates to group employer accounts; and providing an effective date.

**HB 1757** – By Henke of the House and Stanislawski of the Senate.

An Act relating to public health and safety; allowing for mail and Internet sales of hearing aids; requiring registration; requiring disclosure statement; requiring personal amplifier disclaimer; requiring annual statement of compliance; requiring consent to service of process; requiring medical evaluation and earmold; requiring inclusion of notice of cancellation; specifying procedure for canceling sale; prohibiting certain acts; requiring that certain employees be licensed; granting reciprocity; requiring payment of license fees; providing for codification; and providing an effective date.

**HB 1825** – By Kannady and Ritze of the House and Smalley of the Senate.

An Act relating to marriage and family; amending 43 O.S. 2011, Section 150.1, which relates to the Deployed Parents Custody and Visitation Act; modifying definitions to include civilian personnel and contractor serving in designated combat zones; and providing an effective date.

**HB 2275** – By ODonnell of the House and Sykes of the Senate.

An Act relating to civil procedure; amending 12 O.S. 2011, Section 990A, which relates to appeals to Supreme Court; modifying filing procedures; and providing an effective date.

**HB 2314** – By McCall of the House and Simpson of the Senate.

An Act relating to liens; amending 42 O.S. 2011, Section 91A, as last amended by Section 2, Chapter 316, O.S.L. 2016 (42 O.S. Supp. 2016, Section 91A), which relates to liens for service on personal property; modifying time allowed for resubmission of title application; and providing an effective date.

The above-numbered measures were read the first time.

## **EXECUTIVE NOMINATIONS**

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

Ford, Amy, Durant, as a member of the Regional University System of Oklahoma - Education

Krishna, Dr. R. Murali, Edmond, as a member of the State Board of Health - Health and Human Services

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 15, 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 21** – Transportation

Ayes: Allen, Brown, Leewright, Marlatt, Matthews, McCortney, Quinn, Rader, Silk

**SB 22** – Transportation

Ayes: Allen, Brown, Leewright, Marlatt, Matthews, McCortney, Quinn, Rader, Silk

**SB 23** – Transportation

Ayes: Allen, Brown, Leewright, Marlatt, Matthews, McCortney, Quinn, Rader, Silk

**SB 26** – Transportation

Ayes: Allen, Brown, Leewright, Marlatt, Matthews, McCortney, Quinn, Rader, Silk

**SB 50** – Judiciary

Ayes: Dahm, Daniels, Floyd, Holt, Newhouse, Pugh, Smalley, Standridge, Sykes

**SB 147** – Agriculture and Wildlife

Ayes: Bass, Boggs, Fields, Jech, Kidd, Pederson, Pemberton, Schulz, Scott, Shaw, Simpson, Sparks

**SB 160** – Judiciary

Ayes: Dahm, Daniels, Floyd, Holt, Newhouse, Pugh, Smalley, Standridge, Sykes

**SB 238** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

**SB 374** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

**SB 587** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

**SB 594** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

**SB 595** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

**SB 616** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

**SB 653** – Judiciary

Ayes: Dahm, Daniels, Floyd, Holt, Newhouse, Pugh, Smalley, Sparks, Standridge, Sykes

**SB 661** – Judiciary

Ayes: Dahm, Daniels, Floyd, Holt, Newhouse, Pugh, Smalley, Sparks, Standridge, Sykes

**SCR 3** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

DO PASS, As Amended:

**CS for SB 203** – Transportation

Ayes: Allen, Brown, Leewright, Marlatt, Matthews, McCortney, Quinn, Rader, Silk

**SB 596** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

**SB 645** – Judiciary

Ayes: Dahm, Daniels, Floyd, Holt, Newhouse, Pugh, Sparks, Standridge, Sykes

FAILED:

**SB 201** – Transportation

Ayes: Brown, Silk

Nays: Allen, Leewright, Marlatt, Matthews, McCortney, Quinn, Rader

**COMMITTEE REPORTS**

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

DO PASS:

**SB 311** – Transportation

Ayes: Allen, Brown, Leewright, Marlatt, Matthews, McCortney, Quinn, Rader, Silk

**SB 510** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

**SB 602** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

**SB 749** – Agriculture and Wildlife

Ayes: Bass, Boggs, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

Nays: Brecheen

DO PASS, As Amended:

**SB 159** – Judiciary

Ayes: Dahm, Daniels, Floyd, Holt, Newhouse, Pugh, Smalley, Standridge, Sykes

**SB 254** – Transportation

Ayes: Allen, Brown, Leewright, Marlatt, Matthews, McCortney, Quinn, Rader, Silk

**SB 318** – Transportation

Ayes: Allen, Brown, Leewright, Marlatt, Matthews, McCortney, Quinn, Silk

Nays: Rader

**CS for SB 506** – Agriculture and Wildlife

Ayes: Bass, Boggs, Brecheen, Fields, Jech, Kidd, Pederson, Pemberton, Scott, Shaw, Simpson, Sparks

**SECOND READING**

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

**SCR 3** – Agriculture and Wildlife

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 34** - Coauthored by Representative Biggs (principal House author)

**SB 55** - Coauthored by Representative Teague (principal House author)

**SB 84** - Coauthored by Representative Henke (principal House author)

**SB 145** - Coauthored by Representative Echols (principal House author)

**SB 153** - Coauthored by Representative McDaniel (principal House author)

**SB 170** - Coauthored by Senator Matthews

**SB 192** - Coauthored by Representative Biggs (principal House author)

**SB 197** - Coauthored by Senator Brecheen

**SB 206** - Coauthored by Senator Thompson

**SB 228** - Coauthored by Representative Lawson (principal House author)

**SB 230** - Coauthored by Senator Floyd

**SB 255** - Coauthored by Representative Ritze (principal House author)

**SB 259** - Coauthored by Representative Brumbaugh (principal House author)

**SB 262** - Coauthored by Representative Brumbaugh (principal House author)

**SB 267** - Coauthored by Representative Moore (principal House author)

**SB 329** - Coauthored by Senator Thompson

**SB 341** - Coauthored by Representative Kannady (principal House author)

**SB 347** - Coauthored by Senator Holt

Remove as author Senator Holt; authored by Senator Fields

**SB 406** - Coauthored by Representative Caldwell (principal House author)

**SB 436** - Coauthored by Representative Echols (principal House author)

**SB 450** - Coauthored by Representative Bennett (John) (principal House author)

**SB 508** - Coauthored by Representative Coody (principal House author)

**SB 564** - Coauthored by Representative Frix (principal House author)  
**SB 601** - Coauthored by Representative McEachin (principal House author)  
**SB 636** - Coauthored by Representative McEachin (principal House author)  
**SB 638** - Coauthored by Representative Montgomery (principal House author)  
**SB 644** - Coauthored by Representative McEachin (principal House author)  
**SB 670** - Coauthored by Representative Moore (principal House author)  
**SB 689** - Coauthored by Representative ODonnell (principal House author)  
**SB 692** - Coauthored by Senator David  
**SB 732** - Coauthored by Representative Brumbaugh (principal House author)  
**SB 783** - Coauthored by Representative Williams (principal House author)  
**SB 807** - Coauthored by Representative Roberts (Sean) (principal House author)  
**SB 808** - Coauthored by Representative Roberts (Sean) (principal House author)  
**SB 810** - Coauthored by Representative Murphey (principal House author)  
**SB 813** - Coauthored by Senator David  
**SJR 9** - Coauthored by Representative Roberts (Sean) (principal House author)  
**SJR 15** - Coauthored by Representative Bennett (John)  
**HB 1005** - Coauthored by Representative Pfeiffer

#### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HCR 1004**.

**HCR 1004** – By Hoskin of the House and Sparks of the Senate.

A Concurrent Resolution commemorating American Indians and tribal nations through a showing of respect for the losses suffered by American Indians during removal to the State of Oklahoma; directing that a moment of silence be observed in memory of the hardships endured by American Indians during the removal of Indian tribes to Oklahoma; and directing distribution.

The above-numbered measure was read the first time.

Pursuant to the Treat motion, the Senate adjourned at 1:50 p.m. to meet Wednesday, February 15, 2017, at 1:30 p.m.