

Senate Journal

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

Eleventh Legislative Day, Tuesday, February 21, 2017

The Senate was called to order by Senator Bice.

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 Bice declared a quorum present.

The prayer was offered by Pastor Shane Mushonga, Faith Pointe Church, Haltom, Texas, the guest of Senator Pittman.

INTRODUCTIONS

Senator Newhouse introduced his wife, Laura, and their daughters, Rose and Claire, and their sons, Will and Luke; and Senator Fields introduced former Senator Susan Paddock to the Senate.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 151, 220, 340, 357 and **645** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

SB 390 by Stanislawski of the Senate and Caldwell of the House was called up for consideration.

Senator Stanislawski moved that **SB 390** be advanced, which motion was declared adopted.

THIRD READING

SB 390 was read for the third time at length.

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

Aye: Allen, Bass, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Jech, Kidd, Leewright, Loveless, Marlatt, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--45.

Excused: Fry, Holt and Matthews.--3.

The bill and emergency passed.

SB 390 was referred for engrossment.

GENERAL ORDER

SB 21 by Allen of the Senate and Vaughan of the House was called up for consideration.

Senator Allen moved that **SB 21** be advanced, which motion was declared adopted.

THIRD READING

SB 21 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, Brecheen, Brown, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Shortey, Silk, Simpson, Sparks, Standridge, Stanislawski, Thompson, Treat and Yen.--43.

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

Excused: Fry and Holt.--2.

The bill passed.

SB 21 was referred for engrossment.

GENERAL ORDER

SB 22 by Allen of the Senate and Vaughan of the House was called up for consideration.

Senator Allen moved that **SB 22** be advanced, which motion was declared adopted.

THIRD READING

SB 22 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, Brecheen, Brown, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Sparks, Standridge, Stanislowski, Treat and Yen.--39.

Nay: Dahm, Paxton, Pugh, Shortey, Smalley, Sykes and Thompson.--7.

Excused: Fry and Holt.--2.

The bill passed.

SB 22 was referred for engrossment.

GENERAL ORDER

SB 50 by Floyd of the Senate and Nollan of the House was called up for consideration.

Senator Floyd moved that **SB 50** be advanced, which motion was declared adopted.

THIRD READING

SB 50 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, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Jech, Kidd, Leewright, Loveless, 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 and Yen.--45.

Excused: Fry, Holt and Marlatt.--3.

The bill passed.

SB 50 was referred for engrossment.

GENERAL ORDER

SB 29 by Thompson and Pittman of the Senate and Casey of the House was called up for consideration.

Senator Thompson moved that **SB 29** be advanced, which motion was declared adopted.

THIRD READING

SB 29 was read for the third time at length.

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

Aye: Bass, Bergstrom, Bice, Boggs, Daniels, Dossett, Dugger, Fields, Jech, Kidd, Leewright, Matthews, McCortney, Paxton, Pederson, Pemberton, Pittman, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Stanislawski, Thompson and Yen.--27.

Nay: Allen, Brecheen, Brown, Dahm, David, Floyd, Griffin, Loveless, Marlatt, Newberry, Newhouse, Pugh, Quinn, Shortey, Silk, Sparks, Standridge, Sykes and Treat.--19.

Excused: Fry and Holt.--2.

The bill passed.

Senators Shortey, Griffin, Newberry, Marlatt, and Treat desired to vote Aye on the emergency.

On the question of the passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 14; Excused: 2.

The emergency passed.

SB 29 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1234, 1395, 1599, 1709 and 1856**.

HB 1234 – By Osburn (Mike) of the House and Stanislawski of the Senate.

An Act relating to court records; creating the Court Records Protection and Modernization Act; amending 10A O.S. 2011, Sections 2-6-108, as amended by Section 19, Chapter 404, O.S.L. 2013 and 2-6-109 (10A O.S. Supp. 2016, Section 2-6-108), which relate to juvenile judicial proceedings; allowing certain sealed and expunged records to be destroyed after adjudication when electronically stored; authorizing the Supreme Court of Oklahoma to establish rules; amending 20 O.S. 2011, Sections 1005, 1005.1, 1006, 1007 and 1008, which relate to destruction of court records; removing option for judge objection; allowing certain paper judicial records be destroyed upon adjudication of respective case; prohibiting destruction if not reproduced electronically; allowing traffic and criminal property case records be destroyed after adjudication when electronically stored; authorizing the Supreme Court of Oklahoma to establish rules; allowing small claims case records be destroyed after adjudication when electronically stored; allowing certain documents filed with the court clerk to be destroyed after filing when electronically stored; allowing certain exhibits, court reporter's notes, pleadings and judgments be destroyed when electronically stored; allowing certain depositions be destroyed when electronically stored; providing for noncodification; and providing an effective date.

HB 1395 – By Downing of the House and McCortney of the Senate.

An Act relating to banks and trust companies; amending 6 O.S. 2011, Sections 1301.2 and 1308, which relate to safe deposit boxes; deleting time limitation for safe deposit box access after death; deleting reference to repealed statute; directing financial institution to release contents to affiant; authorizing affiant to terminate lease and close box; excluding liability for release of box contents; removing reference to repealed statute; and providing an effective date.

HB 1599 – By Frix of the House and Quinn of the Senate.

An Act relating to public buildings and public works; amending 61 O.S. 2011, Section 113, as amended by Section 314, Chapter 304, O.S.L. 2012 (61 O.S. Supp. 2016, Section 113), which relates to public competitive bidding procedures and requirements; modifying time period where certain bonds are required; and declaring an emergency.

HB 1709 – By Ritze of the House and Yen of the Senate.

An Act relating to insurance; prohibiting an insurance company from requiring practitioners to be granted hospital privileges or join a hospital staff; defining terms; providing for codification; and providing an effective date.

HB 1856 – By Osborn (Leslie) and McEntire of the House and Bice of the Senate.

An Act relating to state government; creating the Task Force for the Study of the Oklahoma Tax Code; providing purpose for Task Force and requirements for study; providing for appointment and selection of Task Force members; requiring organizational meeting by specified date; requiring selection of chair and vice-chair; providing requirements for quorum; making number of meetings permissive; requiring written report by certain date and specifying contents thereof; subjecting Task Force to certain provisions; providing for staff assistance from specified entities; providing for noncodification; providing an effective date; 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 Wednesday, February 22, 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 34 – Judiciary

Ayes: Dahm, Daniels, David, Floyd, Holt, Newhouse, Pugh, Shortey, Sparks, Sykes

SB 85 – Transportation

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

SB 94 – Transportation

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

SB 116 – Judiciary

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

SB 317 – Transportation

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

SB 424 – Judiciary

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

SB 425 – Judiciary

Ayes: Dahm, Daniels, David, Floyd, Smalley, Sparks, Standridge, Sykes
Nays: Newhouse, Pugh, Shortey

SB 493 – Agriculture and Wildlife

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

SB 507 – Agriculture and Wildlife

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

SB 508 – Agriculture and Wildlife

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

SB 525 – Judiciary

Ayes: Dahm, Daniels, David, Floyd, Newhouse, Pugh, Shortey, Sykes

SB 588 – Agriculture and Wildlife

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

SB 642 – Transportation

Ayes: Allen, Bass, Brown, Loveless, Marlatt, Matthews, McCortney, Quinn, Rader, Sharp, Silk

SB 753 – Judiciary

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

DO PASS, As Amended:

CS for SB 102 – Judiciary

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

SB 167 – Transportation

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

SB 197 – Judiciary

Ayes: Dahm, Daniels, David, Newhouse, Smalley, Standridge, Sykes

Nays: Floyd, Holt, Pugh, Sparks

SB 272 – Judiciary

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

Nays: David, Holt

SB 281 – Judiciary

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

Nays: David, Floyd

SB 290 – Judiciary

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

CS for SB 450 – Judiciary

Ayes: Dahm, Daniels, David, Holt, Newhouse, Pugh, Smalley, Sykes

Nays: Floyd

CS for SB 477 – Transportation

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

SB 612 – Transportation

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

SB 614 – Judiciary

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

SB 651 – Judiciary

Ayes: Dahm, Daniels, David, Floyd, Holt, Newhouse, Pugh, Shortey, Sparks, Sykes

SB 660 – Judiciary

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

SB 750 – Transportation

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

COMMITTEE REPORTS

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

DO PASS:

SB 218 – Judiciary

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

DO PASS, As Amended:

CS for SB 275 – Judiciary

Ayes: Dahm, Daniels, David, Holt, Newhouse, Pugh, Shortey, Smalley, Standridge, Sykes

Nays: Floyd, Sparks

SB 698 – Judiciary

Ayes: Dahm, Daniels, David, Floyd, Holt, Newhouse, Pugh, Shortey, Sparks, Sykes

SECOND READING

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

HB 1845 – Appropriations

FIRST READING

The following was introduced and read the first time:

SR 3 – By Boggs.

A Resolution congratulating the 2017 Class 3A Academic Team Champions, the Wilburton Diggers; applauding them for their state title; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

- SB 74** - Coauthored by Representative Proctor (principal House author)
- SB 76** - Coauthored by Representative McDugle (principal House author)
- SB 78** - Coauthored by Representative Nollan (principal House author)
- SB 114** - Coauthored by Representative Biggs (principal House author)
- SB 146** - Coauthored by Representative Russ (principal House author)
- SB 148** - Coauthored by Representative Russ (principal House author)
- SB 196** - Coauthored by Representative Hall (principal House author)
- SB 203** - Coauthored by Representative Roberts (Dustin) (principal House author)
- SB 206** - Coauthored by Representative Roberts (Dustin) (principal House author)
- SB 275** - Coauthored by Representative Jordan (principal House author)
- SB 347** - Coauthored by Representative Russ (principal House author)
- SB 493** - Coauthored by Representative Coody (principal House author)
- SB 516** - Coauthored by Representative Nollan (principal House author)
- SB 554** - Coauthored by Representative Proctor (principal House author)
- SB 555** - Coauthored by Representative Proctor (principal House author)
- SB 557** - Coauthored by Representative Proctor (principal House author)
- SB 558** - Coauthored by Representative Proctor (principal House author)
- SB 654** - Coauthored by Representative Jordan (principal House author)
- SB 683** - Coauthored by Representative Henke (principal House author)
- SB 689** - Coauthored by Representative Young
- SB 691** - Coauthored by Senator Standridge
Remove as author Senator Standridge; authored by Senator Pittman
- SB 703** - Coauthored by Senator Standridge
Remove as author Senator Standridge; authored by Senator Pittman

Pursuant to the Treat motion, the Senate adjourned at 2:05 p.m. to meet Wednesday, February 22, 2017, at 1:30 p.m.