

# Senate Journal

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

**Thirteenth Legislative Day, Thursday, February 23, 2017**

The Senate was called to order by Senator Sykes.

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 Sykes declared a quorum present.

The prayer was offered by Pastor Dwayne Case, Northeast Church of Christ, Oklahoma City, the guest of Senator Pittman.

### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SBs 115, 196 and 653** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### **EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committee named:

Alexander, Bobby J., Woodward, to the Transportation Commission, to serve an eight-year term ending February 15, 2025, succeeding himself. (Transportation Committee)  
Motion to confirm made by Senator Bryce Marlatt.

Krishna, Dr. R. Murali, Edmond, to the State Board of Health, to serve a nine-year term ending June 30, 2026, succeeding himself. (Health and Human Services Committee) Motion to confirm made by Senator Stephanie Bice.

Motion to confirm the above named executive nominations were declared adopted upon roll call as follows:

Aye: Allen, 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 and Yen.--46.

Excused: Bass and Fry.--2.

### **GENERAL ORDER**

**SB 813** by Griffin and David of the Senate and Caldwell of the House was called up for consideration.

Senator Griffin moved to amend **SB 813**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Griffin moved that **SB 813** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 813** was read for the third time at length.

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

Aye: Bergstrom, Bice, Brown, Daniels, David, Dugger, Fields, Griffin, Holt, Jech, Kidd, Leewright, Loveless, Marlatt, McCortney, Newhouse, Paxton, Pederson, Pemberton, Pugh, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Stanislawski, Thompson, Treat and Yen.--30.

Nay: Allen, Boggs, Brecheen, Dahm, Dossett, Floyd, Matthews, Newberry, Pittman, Quinn, Shortey, Silk, Smalley, Sparks, Standridge and Sykes.--16.

Excused: Bass and Fry.--2.

The bill passed.

**SB 813** was referred for engrossment.

**GENERAL ORDER**

**SB 595** by Jech of the Senate and Hilbert of the House was called up for consideration.

Senator Jech moved that **SB 595** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 595** was read for the third time at length.

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

Aye: Allen, 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 and Yen.--46.

Excused: Bass and Fry.--2.

The bill passed.

**SB 595** was referred for engrossment.

**GENERAL ORDER**

**SB 819** by Simpson of the Senate and Ownbey of the House was called up for consideration.

Senator Simpson moved that **SB 819** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 819** 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, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Griffin, Holt, Jech, Kidd, Leewright, Loveless, Marlatt, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--43.

Nay: Allen, Floyd, Matthews and Silk.--4.

Excused: Fry.--1.

The bill passed.

**SB 819** was referred for engrossment.

## **MESSAGES FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1169, 1191, 1219, 1492, 1501, 1601, 1606, 1835 and 1862.**

**HB 1169** – By McBride of the House and Yen of the Senate.

An Act relating to labor; amending 40 O.S. 2011, Sections 461 and 462, which relate to amusement rides; modifying definition; authorizing Commissioner of Labor to determine date of inspections; requiring annual registration for certain devices; and providing an effective date.

**HB 1191** – By West (Rick) of the House and Silk of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2011, Section 3101.4, which relates to advance directives; providing that certain advance directive that withholds artificially implanted medical device contains certain requirements; adding artificially implanted medical device to advance direct form; and providing an effective date.

**HB 1219** – By Murphey of the House and Dahm of the Senate.

An Act relating to education; repealing 70 O.S. 2011, Sections 3-163, 3-164, 3-165 and 3-166, as amended by Sections 592, 593, 594 and 595, Chapter 304, O.S.L. 2012 (70 O.S. Supp. 2016, Sections 3-163, 3-164, 3-165 and 3-166), which relate to the P-20 Data Coordinating Council, the P-20 Data Coordinating Council Revolving Fund, the Educational Quality and Accountability Board and the Educational Quality and Accountability Board Revolving Fund; repealing 70 O.S. 2011, Section 6-101.17, which relates to the Teacher and Leader Effectiveness Commission; and providing an effective date.

**HB 1492** – By Newton of the House and Kidd of the Senate.

An Act relating to environment and natural resources; amending 27A O.S. 2011, Section 4-2-102, which relates to the Oklahoma Hazardous Materials Emergency Response Commission; adding designee for State Fire Marshal; and providing an effective date.

**HB 1501** – By Fetgatter of the House and Thompson of the Senate.

An Act relating to game and fish; amending 29 O.S. 2011, Section 3-103, as amended by Section 116, Chapter 304, O.S.L. 2012 (29 O.S. Supp. 2016, Section 3-103), which relates to the Oklahoma Wildlife Conservation Commission; decreasing the frequency of required Commission regular session meetings; and providing an effective date.

**HB 1601** – By Enns of the House and Boggs of the Senate.

An Act relating to agriculture; amending 2 O.S. 2011, Sections 12-1 and 12-2, which relate to wildlife services; updating agency name; including feral swine in wildlife damage management; specifying management shall include damage to resources; providing collected parts or byproducts of commercial value shall be sold; specifying type of firearm certain agents authorized to carry; requiring background check and training; and providing an effective date.

**HB 1606** – By Enns of the House and Pederson of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2011, Sections 2-505 and 2-509, which relate to the forfeiture, destruction and eradication of controlled dangerous substances; updating statutory citations and agency designations; deleting specific herbicide application methods; requiring approval and registration of herbicides used for eradicating plants with the Oklahoma Department of Agriculture, Food, and Forestry; and providing an effective date.

**HB 1835** – By Osborn (Leslie) and Downing of the House and Paxton of the Senate.

An Act relating to children and juvenile code; amending 10A O.S. 2011, Section 2-2-503, as last amended by Section 1, Chapter 234, O.S.L. 2016 (10A O.S. Supp. 2016, Section 2-2-503), which relates to juvenile disposition orders; authorizing secure detention placement under certain circumstances; deleting indirect contempt offense and penalty; amending 10A O.S. 2011, Section 2-3-101, as last amended by Section 2, Chapter 234, O.S.L. 2016 (10A O.S. Supp. 2016, Section 2-3-101), which relates to conditions of detention; authorizing detention of runaway child deemed in need of supervision; and declaring an emergency.

**HB 1862** – By Osborn (Leslie) of the House and Smalley of the Senate.

An Act relating to the Oklahoma Educational Television Authority; amending Section 2, Chapter 261, O.S.L. 1982, which relates to legislative intent; expanding legislative intent; amending 70 O.S. 2011, Section 23-106.1, which relates to the Executive Director; modifying appointment criteria; providing for compensation; and declaring an emergency.

The above-numbered measures were read the first time.

Advising passage of and returning the following Engrossed:

**SCR 4**

The above-numbered measure was referred for enrollment.

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, February 27, 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 12** – Public Safety

Ayes: Brecheen, Dossett, Dugger, Matthews, Paxton, Shaw, Thompson, Treat

**SB 43** – Public Safety

Ayes: Dossett, Jech, McCortney, Paxton, Shaw, Thompson, Yen

Nays: Dugger, Matthews

**SB 53** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson

**SB 54** – Public Safety

Ayes: Dossett, Dugger, Jech, McCortney, Paxton, Shaw, Thompson, Yen

Nays: Matthews

**SB 75** – Energy

Ayes: Fields, Floyd, Griffin, Marlatt, Matthews, Pederson, Pemberton, Quinn, Rader, Sharp, Shortey, Standridge

**SB 174** – Business, Commerce and Tourism

Ayes: Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Silk, Stanislawski

**SB 211** – Business, Commerce and Tourism

Ayes: Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Silk, Stanislawski

**SB 303** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson, Yen

**SB 363** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson, Yen

**SB 384** – Public Safety

Ayes: Dugger, Jech, Matthews, Paxton, Shaw, Thompson, Yen

Nays: Dossett, McCortney

**SB 479** – Energy

Ayes: Fields, Floyd, Griffin, Marlatt, Pederson, Pemberton, Quinn, Rader, Sharp, Shortey, Standridge

**SB 513** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson, Yen

**SB 603** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson, Treat,  
Yen

**SB 604** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson, Treat,  
Yen

**SB 609** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson, Treat,  
Yen

**SB 648** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott,  
Silk, Sparks, Stanislawski

**SB 668** – Energy

Ayes: Fields, Floyd, Griffin, Marlatt, Matthews, Pederson, Pemberton, Quinn, Rader,  
Sharp, Shortey, Standridge

DO PASS, As Amended:

**CS for SB 25** – Public Safety

Ayes: Dugger, Jech, McCortney, Paxton, Shaw, Thompson, Yen

Nays: Dossett, Matthews

**CS for SB 27** – Public Safety

Ayes: Brecheen, Dossett, Dugger, Jech, Matthews, Paxton, Shaw, Thompson, Treat

**SB 104** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott,  
Silk, Sparks, Stanislawski

**SB 158** – Public Safety

Ayes: Jech, McCortney, Paxton, Shaw, Thompson

Nays: Dossett, Dugger, Matthews, Yen

**CS for SB 247** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson

**CS for SB 283** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott, Silk, Sparks, Stanislawski

**SB 287** – Energy

Ayes: Fields, Floyd, Griffin, Marlatt, Matthews, Pederson, Pemberton, Quinn, Rader, Sharp, Shortey, Standridge

**CS for SB 288** – Public Safety

Ayes: Dossett, Jech, Matthews, McCortney, Paxton, Shaw, Thompson

Nays: Dugger

**SB 297** – Business, Commerce and Tourism

Ayes: Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Silk, Sparks, Stanislawski

**SB 310** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson

**SB 411** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott, Silk, Sparks, Stanislawski

**SB 469** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott, Silk, Sparks, Stanislawski

**CS for SB 486** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott, Silk, Sparks, Stanislawski

**CS for SB 531** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott, Silk, Sparks, Stanislawski

**SB 546** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott, Silk, Sparks, Stanislawski

**CS for SB 570** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott, Silk, Sparks, Stanislawski

**SB 620** – Public Safety

Ayes: Dossett, Dugger, Jech, McCortney, Paxton, Shaw, Thompson

Nays: Matthews

**SB 646** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott, Silk, Sparks, Stanislawski

**CS for SB 649** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson, Treat, Yen

**SB 689** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson, Treat, Yen

**SB 712** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott, Silk, Sparks, Stanislawski

**CS for SB 769** – Business, Commerce and Tourism

Ayes: Bergstrom, Bice, Dahm, Daniels, Kidd, Leewright, Newberry, Pittman, Scott, Silk, Sparks, Stanislawski

**COMMITTEE REPORTS**

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

DO PASS:

**SB 643** – Public Safety

Ayes: Dossett, Dugger, Jech, Matthews, McCortney, Paxton, Shaw, Thompson, Yen

DO PASS, As Amended:

**SB 509** – Energy

Ayes: Fields, Floyd, Griffin, Marlatt, Matthews, Pederson, Pemberton, Quinn, Rader, Sharp, Shortey, Standridge

**FIRST READING**

The following were introduced and read the first time:

**SB 832** – By Dahm.

An Act relating to public employees; prohibiting public officers and employees from using public monies to advocate against constitutionally-protected rights; providing list of prohibited actions; providing penalties; providing for codification; and providing an effective date.

**SR 4 – By Dugger.**

A Resolution proclaiming March 5-11, 2017, as Emergency Management Week in the State of Oklahoma; encouraging Oklahomans to thank emergency management workers; and directing distribution.

**EXECUTIVE NOMINATIONS**

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

Caldwell, Warren A. (Tony), Oklahoma City, as a member of the Board of Juvenile Affairs - Health and Human Services

Dodson, Karen S., Hydro, as a member of the State Board of Agriculture - Agriculture and Wildlife

Harlan, Fred C., Okmulgee, as a member of the Oklahoma Motor Vehicle Commission - Business, Commerce and Tourism

Landers, Stephen, Fort Gibson, as a member of the Air Quality Advisory Board - Energy

Otwell, David M., Edmond, as a member of the Polygraph Examiners Board - Judiciary

Williams, Scott W., Edmond, as a member of the Board of Juvenile Affairs - Health and Human Services

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 11** - Coauthored by Representative Bennett (John)

Coauthored by Representative Faught

Coauthored by Representative Coody

**SB 43** - Coauthored by Representative Bennett (John)

Coauthored by Representative Faught

Coauthored by Representative Coody

**SB 65** - Coauthored by Representative Faught

Coauthored by Representative Calvey

Coauthored by Representative Bennett (John)

Coauthored by Representative Coody

- SB 66** - Coauthored by Representative Coody  
Coauthored by Representative Faught
- SB 70** - Coauthored by Representative Sears (principal House author)
- SB 218** - Coauthored by Representative Downing (principal House author)
- SB 242** - Coauthored by Representative Sears (principal House author)
- SB 275** - Coauthored by Representative Bennett (John)  
Coauthored by Representative Coody  
Coauthored by Representative Faught
- SB 276** - Coauthored by Representative Coody  
Coauthored by Representative Faught  
Coauthored by Representative Bennett (John)
- SB 288** - Coauthored by Representative Coody (principal House author)
- SB 325** - Coauthored by Representative Downing (principal House author)
- SB 359** - Remove as author Senator Holt; authored by Senator Stanislawski
- SB 360** - Coauthored by Representative Murphey (principal House author)
- SB 384** - Coauthored by Representative West (Kevin) (principal House author)
- SB 397** - Coauthored by Representative Bennett (John)  
Coauthored by Representative Coody  
Coauthored by Representative Faught
- SB 477** - Coauthored by Representative Ortega (principal House author)
- SB 497** - Coauthored by Representative Faught  
Coauthored by Representative Bennett (John)
- SB 715** - Coauthored by Representative Derby (principal House author)
- SB 746** - Coauthored by Representative Ritze (principal House author)
- SB 784** - Coauthored by Representative Enns (principal House author)

Pursuant to the Treat motion, the Senate adjourned at 10:30 a.m. to meet Monday, February 27, 2017, at 1:30 p.m.