

Senate Journal

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

Eighteenth Legislative Day, Monday, March 6, 2017

The Senate was called to order by Senator Fields.

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, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Yen.—45.

Excused: Fry, Paxton and Shortey.—3.

Senator Fields declared a quorum present.

The prayer was offered by Father Donald J. Wolf, Saint Eugene Catholic Church, Oklahoma City, the guest of Senator Bice.

INTRODUCTIONS

Senator Holt introduced his children, George and Margaret, to the Senate.

GENERAL ORDER

SB 74 by Newhouse and Leewright of the Senate and Proctor of the House was called up for consideration.

Senator Newhouse moved that **SB 74** be advanced, which motion was declared adopted.

THIRD READING

SB 74 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, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Holt, Jech, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--43.

Excused: Brecheen, Fry, Kidd, Paxton and Shortey.--5.

The bill passed.

SB 74 was referred for engrossment.

GENERAL ORDER

SB 555 by Newhouse of the Senate and Proctor of the House was called up for consideration.

Senator Newhouse moved that **SB 555** be advanced, which motion was declared adopted.

THIRD READING

SB 555 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, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Holt, Jech, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--43.

Excused: Brecheen, Fry, Kidd, Paxton and Shortey.--5.

The bill passed.

SB 555 was referred for engrossment.

GENERAL ORDER

SB 557 by Newhouse of the Senate and Proctor of the House was called up for consideration.

Senator Newhouse moved that **SB 557** be advanced, which motion was declared adopted.

THIRD READING

SB 557 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, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Holt, Jech, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--43.

Excused: Brecheen, Fry, Kidd, Paxton and Shortey.--5.

The bill passed.

SB 557 was referred for engrossment.

GENERAL ORDER

SB 558 by Newhouse of the Senate and Proctor of the House was called up for consideration.

Senator Newhouse moved that **SB 558** be advanced, which motion was declared adopted.

THIRD READING

SB 558 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, Holt, Jech, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--44.

Excused: Fry, Kidd, Paxton and Shortey.--4.

The bill passed.

SB 558 was referred for engrossment.

GENERAL ORDER

SB 89 by McCortney of the Senate and Thomsen of the House was called up for consideration.

Senator McCortney moved that **SB 89** be advanced, which motion was declared adopted.

THIRD READING

SB 89 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, Holt, Jech, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--44.

Excused: Fry, Kidd, Paxton and Shortey.--4.

The bill passed.

SB 89 was referred for engrossment.

GENERAL ORDER

SB 180 by McCortney of the Senate and Caldwell of the House was called up for consideration.

Senator McCortney moved that **SB 180** be advanced, which motion was declared adopted.

THIRD READING

SB 180 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, Holt, Jech, Leewright, Loveless, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--43.

Excused: Fry, Kidd, Marlatt, Paxton and Shortey.--5.

The bill passed.

SB 180 was referred for engrossment.

GENERAL ORDER

SB 654 by Floyd and Griffin of the Senate and Jordan of the House was called up for consideration.

Senator Floyd moved that **SB 654** be advanced, which motion was declared adopted.

THIRD READING

SB 654 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, Holt, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--45.

Excused: Fry, Paxton and Shortey.--3.

The bill and emergency passed.

SB 654 was referred for engrossment.

GENERAL ORDER

SB 225 by Griffin of the Senate and Wright of the House was called up for consideration.

Senator Griffin moved to amend **SB 225**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Griffin moved that **SB 225** be advanced, which motion was declared adopted.

THIRD READING

SB 225 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, Holt, Jech, Kidd, Leewright, Loveless, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--44.

Excused: Fry, Marlatt, Paxton and Shortey.--4.

The bill passed.

SB 225 was referred for engrossment.

GENERAL ORDER

SB 250 by Griffin of the Senate and Cleveland of the House was called up for consideration.

Senator Griffin moved that **SB 250** be advanced, which motion was declared adopted.

THIRD READING

SB 250 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, Holt, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--45.

Excused: Fry, Paxton and Shortey.--3.

The bill passed.

SB 250 was referred for engrossment.

GENERAL ORDER

SB 292 by Thompson of the Senate and Sears of the House was called up for consideration.

Senator Thompson moved to amend **SB 292**, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Thompson moved that **SB 292** be advanced, which motion was declared adopted.

THIRD READING

SB 292 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, Holt, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--45.

Excused: Fry, Paxton and Shortey.--3.

The bill passed.

SB 292 was referred for engrossment.

GENERAL ORDER

SB 586 by Jech of the Senate and Pfeiffer of the House was called up for consideration.

Senator Jech moved that **SB 586** be advanced, which motion was declared adopted.

THIRD READING

SB 586 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, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Holt, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Sharp, Shaw, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat and Yen.--39.

Nay: Allen, Dahm, Newberry, Scott, Silk and Sykes.--6.

Excused: Fry, Paxton and Shortey.--3.

The bill passed.

SB 586 was referred for engrossment.

GENERAL ORDER

SB 587 by Jech of the Senate and Newton of the House was called up for consideration.

Senator Jech moved that **SB 587** be advanced, which motion was declared adopted.

THIRD READING

SB 587 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, Holt, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--45.

Excused: Fry, Paxton and Shortey.--3.

The bill passed.

SB 587 was referred for engrossment.

GENERAL ORDER

SB 594 by Jech of the Senate and Baker of the House was called up for consideration.

Senator Jech moved to amend **SB 594**, Page 1, by striking the title, which amendment was declared adopted.

Senator Jech moved that **SB 594** be advanced, which motion was declared adopted.

THIRD READING

SB 594 was read for the third time at length.

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

Aye: Bass, Bice, Boggs, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Sharp, Shaw, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat and Yen.--36.

Nay: Allen, Bergstrom, Brecheen, Brown, Dahm, Loveless, Scott, Silk and Sykes.--9.

Excused: Fry, Paxton and Shortey.--3.

The bill passed.

SB 594 was referred for engrossment.

GENERAL ORDER

SB 596 by Jech of the Senate and Newton of the House was called up for consideration.

Senator Jech moved that **SB 596** be advanced, which motion was declared adopted.

THIRD READING

SB 596 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, Dossett, Dugger, Fields, Floyd, Griffin, Holt, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat and Yen.--40.

Nay: Dahm, David, Newberry, Newhouse and Sykes.--5.

Excused: Fry, Paxton and Shortey.--3.

The bill passed.

SB 596 was referred for engrossment.

GENERAL ORDER

SB 668 by Shaw and Pemberton of the Senate and West (Josh) of the House was called up for consideration.

Senator Shaw moved that **SB 668** be advanced, which motion was declared adopted.

THIRD READING

SB 668 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, David, Dugger, Fields, Griffin, Holt, Jech, Kidd, Loveless, Marlatt, Newhouse, Pederson, Pemberton, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Standridge, Thompson and Yen.--26.

Nay: Allen, Brecheen, Brown, Dahm, Daniels, Dossett, Floyd, Leewright, Matthews, McCortney, Newberry, Pittman, Pugh, Silk, Smalley, Sparks, Stanislawski, Sykes and Treat.--19.

Excused: Fry, Paxton and Shortey.--3.

The bill passed.

Senators Treat, Newberry, Stanislawski, Brown, Pugh and McCortney desired to vote Aye on the emergency.

On the question of the passage of the emergency, the vote resulted as follows: Aye: 32, Nay: 13, Excused: 3

The emergency passed

SB 668 was referred for engrossment.

GENERAL ORDER

SB 784 by Standridge of the Senate and Enns of the House was called up for consideration.

Senator Standridge moved that **SB 784** be advanced, which motion was declared adopted.

THIRD READING

SB 784 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, Holt, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--45.

Excused: Fry, Paxton and Shortey.--3.

The bill passed.

SB 784 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1173, 1269, 1305, 1464, 1576** and **2128**.

HB 1173 – By Derby of the House and Dossett of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 12-602, which relates to headlamps on motorcycles; clarifying references; allowing for certain auxiliary lighting; providing limitations on auxiliary lighting; and providing an effective date.

HB 1269 – By Hall of the House and Stanislawski of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 1135.5, as last amended by Section 25, Chapter 210, O.S.L. 2016 (47 O.S. Supp. 2016, Section 1135.5), which relates to demonstration of support and financial assistance special license plates; creating the Oklahoma Aeronautics Commission License Plate; establishing plates as financial assistance license plates; providing for design of license plates; requiring certain portion of fees be deposited in certain fund; amending 3 O.S. 2011, Section 91, as amended by Section 21, Chapter 304, O.S.L. 2012 (3 O.S. Supp. 2016, Section 91), which relates to the Oklahoma Aeronautics Commission Revolving Fund; authorizing deposit of certain fees; authorizing expenditure of funds for certain purpose; and providing an effective date.

HB 1305 – By Murdock and Bennett (John) of the House and Boggs of the Senate.

An Act relating to roads, bridges and ferries; authorizing the Oklahoma Department of Transportation to issue permits to harvest hay along the right-of-way of highways; requiring release eliminating liability of the state; providing storage and removal requirements; giving priority to certain landowners; providing for permit fee; directing funds be deposited in the State Highway Construction and Maintenance Fund; authorizing Department to

promulgate rules; authorizing the counties to issue permits to harvest hay along the right-of-way of public roads; requiring release eliminating liability of counties and the state; providing storage and removal requirements; giving priority to certain landowners; providing for permit fee; directing funds be deposited in the county highway fund; authorizing counties to establish regulations; providing for codification; and providing an effective date.

HB 1464 – By Echols of the House and Dahm of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2011, Section 36-113, as amended by Section 1, Chapter 129, O.S.L. 2012 (11 O.S. Supp. 2016, Section 36-113), which relates to streets and roads; modifying certain population requirement; and providing an effective date.

HB 1576 – By Caldwell of the House and Stanislawski of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 6-186, as amended by Section 12, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2016, Section 6-186), which relates to criteria for approval and accreditation of teacher education programs; requiring Commission for Educational Quality and Accountability to adopt rules relating to digital technologies for program accreditation by certain date; amending 70 O.S. 2011, Section 6-192, as amended by Section 18, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2016, Section 6-192), which relates to professional development procedures for teachers; requiring procedures to include digital teaching and learning standards; providing an effective date; and declaring an emergency.

HB 2128 – By McBride and Echols of the House and Griffin of the Senate.

An Act relating to torts; permitting liability for damages committed by a trespasser; authorizing vicarious liability for person or entity that compensates trespasser; providing for codification; and providing an effective date.

The above-numbered measures were read the first time.

Advising fourth reading of and transmitting for signature Enrolled **HJR 1028**.

The above-numbered enrolled measure was, after fourth reading, properly signed and ordered returned to the Honorable House.

EXECUTIVE NOMINATIONS

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

Everest, Tricia, Nichols Hills, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Services

Greenhaw, Joshua C., Oklahoma City, as a member of the Capitol-Medical Center Improvement and Zoning Commission - General Government

Kouplen, Sean P., Tulsa, as a member of the Board of Trustees for Oklahoma State University/Tulsa - Education

Milner, Dr. Trudy J., Tulsa, as a member of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges - Education

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, March 7, 2017, at 9:30 a.m., which motion prevailed.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

- SB 11** - Coauthored by Representative Roberts (Sean)
- SB 35** - Coauthored by Representative Coody
- SB 36** - Coauthored by Representative Coody
- SB 40** - Coauthored by Representative Coody
- SB 43** - Coauthored by Representative Roberts (Sean)
- SB 66** - Coauthored by Representative Roberts (Sean)
- SB 74** - Coauthored by Senator Leewright
- SB 75** - Coauthored by Senator Pemberton
- SB 130** - Coauthored by Representative Casey (principal House author)
- SB 144** - Coauthored by Representative Martin (principal House author)
- SB 158** - Coauthored by Representative Jordan (principal House author)
- SB 159** - Coauthored by Representative Pfeiffer (principal House author)
- SB 191** - Coauthored by Representative Brumbaugh (principal House author)
- SB 208** - Coauthored by Senator Griffin
- SB 229** - Coauthored by Representative Lawson (principal House author)
- SB 243** - Coauthored by Representative Strohm (principal House author)
- SB 258** - Coauthored by Representative Murphey (principal House author)
- SB 260** - Coauthored by Representative Ortega (principal House author)
- SB 266** - Coauthored by Representative Echols (principal House author)
- SB 276** - Coauthored by Representative Roberts (Sean)
- SB 288** - Coauthored by Representative Roberts (Sean)
- SB 290** - Coauthored by Representative Watson (principal House author)
- SB 353** - Coauthored by Representative Moore (principal House author)
- SB 370** - Coauthored by Representative West (Rick) (principal House author)
- SB 397** - Coauthored by Representative Roberts (Sean)
- SB 497** - Coauthored by Representative Roberts (Sean)
- SB 504** - Remove as coauthor Senator Pittman
Coauthored by Senator Pittman

- SB 527** - Coauthored by Representative McDaniel (principal House author)
- SB 600** - Coauthored by Representative Henke (principal House author)
- SB 618** - Coauthored by Representative Osborn (Leslie) (principal House author)
- SB 650** - Coauthored by Representative Loring (principal House author)
- SB 654** - Coauthored by Senator Griffin
- SB 668** - Coauthored by Senator Pemberton
- SB 680** - Coauthored by Representative Montgomery
- SB 690** - Coauthored by Representative Moore (principal House author)
- SB 694** - Coauthored by Representative Faught (principal House author)
- SB 718** - Coauthored by Representative Lawson (principal House author)
- SB 757** - Coauthored by Representative Wright (principal House author)
- SB 762** - Coauthored by Representative Ritze (principal House author)
- SB 786** - Coauthored by Representative Loring (principal House author)
- SB 806** - Coauthored by Representative Bush (principal House author)
- HB 1428** - Coauthored by Representative Roberts (Sean)
- HB 1550** - Coauthored by Representative Roberts (Sean)

Pursuant to the Treat motion, the Senate adjourned at 2:55 p.m. to meet Tuesday, March 7, 2017, at 9:30 a.m.