

Senate Journal

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

Twenty-first Legislative Day, Thursday, March 9, 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, 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, Stanislawski, Sykes, Thompson, Treat, Yen.—45.

Excused: Fry, Holt and Standridge.—3.

Senator Griffin declared a quorum present.

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

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 17, 23, 36, 40, 43, 75, 145, 146, 148, 189, 287, 347, 424, 426, 431, 433, 671, 693, 749 and 757 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SR 4 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

GENERAL ORDER

SB 593 by Schulz of the Senate and McCall of the House was called up for consideration.

Senator Marlatt moved to amend **SB 593**, 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 Marlatt moved to amend the floor substitute for **SB 593**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Marlatt moved that **SB 593** be advanced, which motion was declared adopted.

THIRD READING

SB 593 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, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dugger, Fields, Floyd, Griffin, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Paxton, Pederson, Pittman, Pugh, Rader, Schulz, Sharp, Shaw, Simpson, Smalley, Stanislawski, Sykes, Thompson, Treat and Yen.--36.

Nay: Bergstrom, Dossett, Newhouse, Pemberton, Quinn, Scott, Shortey and Silk.--8.

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

The bill and emergency passed.

SB 593 was referred for engrossment.

GENERAL ORDER

SB 12 by Brecheen of the Senate and Bennett (John) of the House was called up for consideration.

Senator Brecheen moved that **SB 12** be advanced, which motion was declared adopted.

THIRD READING

SB 12 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, Marlatt, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn,

Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat and Yen.--43.

Nay: Matthews and Shortey.--2.

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

The bill passed.

SB 12 was referred for engrossment.

INTRODUCTIONS

Senator Griffin introduced her mother in law, Linda Griffin, and her sister in law, Tiffany Vest and her nieces, Kacie Vest and Blake Griffin, to the Senate.

GENERAL ORDER

SB 27 by Brecheen of the Senate and Murdock of the House was called up for consideration.

Senator Brecheen moved to amend **SB 27**, Page 1, by striking the title, which amendment was declared adopted.

Senator Brecheen asked that **SB 27** be laid over temporarily, which was the order.

SB 27 remains on General Order.

GENERAL ORDER

SB 191 by Thompson of the Senate and Brumbaugh of the House was called up for consideration.

Senator Thompson moved that **SB 191** be advanced, which motion was declared adopted.

THIRD READING

SB 191 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, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat and Yen.--44.

Nay: Sharp.--1.

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

The bill passed.

SB 191 was referred for engrossment.

GENERAL ORDER

SB 476 by Thompson of the Senate and Sears of the House was called up for consideration.

Senator Thompson moved that **SB 476** be advanced, which motion was declared adopted.

THIRD READING

SB 476 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, 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, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat and Yen.--44.

Excused: David, Fry, Holt and Standridge.--4.

The bill passed.

SB 476 was referred for engrossment.

GENERAL ORDER

SB 60 by Bice of the Senate and Martinez of the House was called up for consideration.

Senator Bice moved to amend **SB 60**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Bice moved that **SB 60** be advanced, which motion was declared adopted.

THIRD READING

SB 60 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, Dosssett, 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, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat and Yen.--45.

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

The bill passed.

SB 60 was referred for engrossment.

GENERAL ORDER

SB 436 by Dahm of the Senate and Echols of the House was called up for consideration.

Senator Dahm moved to amend **SB 436**, 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 Dahm moved that **SB 436** be advanced, which motion was declared adopted.

Senator Griffin asked unanimous consent to reconsider the motion whereby **SB 436** was advanced, which was the order.

Senator Dahm moved to amend **SB 436**, Page 1, by restoring the title.

Senator Dahm withdrew his amendment to restore the title.

Senator Dahm moved that **SB 436** be advanced, which motion was declared adopted.

THIRD READING

SB 436 was read for the third time at length.

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

Aye: Bergstrom, Brecheen, Brown, Dahm, David, Fields, Leewright, Loveless, Marlatt, McCortney, Newberry, Newhouse, Rader, Schulz, Silk, Simpson, Smalley, Stanislawski, Sykes, Thompson and Treat.--21.

Nay: Allen, Bass, Bice, Boggs, Daniels, Dossett, Dugger, Floyd, Griffin, Jech, Kidd, Matthews, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Scott, Sharp, Shaw, Shortey, Sparks and Yen.--24.

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

The bill failed.

Pursuant to Rule 8-32, Senator Dahm served notice that the vote be reconsidered whereby **SB 436** failed.

GENERAL ORDER

SB 452 by Dahm of the Senate and Calvey of the House was called up for consideration.

Senator Dahm moved that **SB 452** be advanced, which motion was declared adopted.

THIRD READING

SB 452 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, Dugger, Fields, Griffin, Jech, Kidd, Leewright, Loveless, Marlatt, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Stanislawski, Sykes, Thompson, Treat and Yen.--39.

Nay: Dossett, Floyd, Matthews, Pittman and Sparks.--5.

Excused: Bass, Fry, Holt and Standridge.--4.

The bill passed.

SB 452 was referred for engrossment.

GENERAL ORDER

SB 508 by Dahm of the Senate and Coody of the House was called up for consideration.

Senator Dahm moved to amend **SB 508**, 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 Dahm moved that **SB 508** be advanced, which motion was declared adopted.

THIRD READING

SB 508 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, Dahm, Daniels, David, Dugger, Fields, Griffin, Jech, Kidd, Leewright, Loveless, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Schulz, Scott, Shaw, Shortey, Silk, Simpson, Smalley, Stanislawski, Sykes and Treat.--34.

Nay: Dossett, Floyd, Matthews, Pittman, Rader, Sharp, Sparks and Yen.--8.

Excused: Brown, Fry, Holt, Marlatt, Standridge and Thompson.--6.

The bill passed.

SB 508 was referred for engrossment.

GENERAL ORDER

SB 637 by Dahm of the Senate and Murphey of the House was called up for consideration.

Senator Dahm moved to amend **SB 637**, Page 2, Line 4, by deleting the word “a” and inserting in lieu thereof the words “an appropriated”; and Page 3, Line 3, by adding the words “and committee members” after the word “chair”, which amendment was declared adopted.

Senator Dahm moved that **SB 637** be advanced, which motion was declared adopted.

THIRD READING

SB 637 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, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Stanislawski, Sykes, Treat and Yen.--41.

Excused: Brown, Fry, Holt, Scott, Silk, Standridge and Thompson.--7.

The bill passed.

SB 637 was referred for engrossment.

GENERAL ORDER

SB 387 by Sykes of the Senate and McEntire of the House was called up for consideration.

Senator Sykes moved that **SB 387** be advanced, which motion was declared adopted.

THIRD READING

SB 387 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, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Scott, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Stanislawski, Sykes, Treat and Yen.--40.

Excused: Bass, Brown, Fry, Holt, Schulz, Silk, Standridge and Thompson.--8.

The bill passed.

SB 387 was referred for engrossment.

GENERAL ORDER

SB 697 by Sykes of the Senate and Faught of the House was called up for consideration.

Senator Sykes moved that **SB 697** be advanced, which motion was declared adopted.

THIRD READING

SB 697 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, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Stanislowski, Sykes, Treat and Yen.--40.

Excused: Bass, Brown, Fry, Holt, Pederson, Silk, Standridge and Thompson.--8.

The bill passed.

SB 697 was referred for engrossment.

GENERAL ORDER

SB 787 by Sykes of the Senate and Roberts (Dustin) of the House was called up for consideration.

Senator Sykes moved that **SB 787** be advanced, which motion was declared adopted.

THIRD READING

SB 787 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, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Stanislawski, Sykes, Treat and Yen.--40.

Excused: Bass, Brown, Fry, Holt, Scott, Silk, Standridge and Thompson.--8.

The bill passed.

SB 787 was referred for engrossment.

GENERAL ORDER

SB 27 by Brecheen of the Senate and Murdock of the House was called up for further consideration.

Senator Brecheen moved that **SB 27** be advanced, which motion was declared adopted.

THIRD READING

SB 27 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, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Griffin, Jech, Kidd, Leewright, Loveless, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pittman, Pugh, Quinn, Rader, Schulz, Sharp, Shaw, Simpson, Smalley, Sparks, Stanislawski, Sykes, Treat and Yen.--39.

Nay: Shortey.--1.

Excused: Brown, Fry, Holt, Pemberton, Scott, Silk, Standridge and Thompson.--8.

The bill passed.

SB 27 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1108, 1149, 1206, 1306, 1376, 1449, 1506, 1579, 1668, 1759** and **2157**.

HB 1108 – By Cleveland of the House and Sharp of the Senate.

An Act relating to the Oklahoma Cooperative Circuit Engineering Districts Board; amending 69 O.S. 2011, Section 302.1, which relates to the Department of Transportation County Advisory Board; modifying authority concerning Board member selection; amending 69 O.S. 2011, Section 636.3, as amended by Section 576, Chapter 304, O.S.L. 2012 (69 O.S. Supp. 2016, Section 636.3), which relates to county lease and lease payment contracts; modifying authority concerning county funding classification designation development; amending 69 O.S. 2011, Section 655, which relates to county route markers; modifying responsibility for devising certain route numbering scheme; amending 69 O.S. 2011, Section 656, which relates to county bridge and construction projects; modifying authority concerning design standards for certain projects and development of related regulations; amending 69 O.S. 2011, Section 659, which relates to county bridge standards; modifying authority concerning approval of certain county bridge standards; amending 69 O.S. 2011, Section 689, which relates to local road design standards; modifying authority concerning the development of certain road design standards; amending 27A O.S. 2011, Section 2-10-804, which relates to use of fees for county solid waste management plans; modifying consulting authority concerning certain solid waste plans; and providing an effective date.

HB 1149 – By Vaughan of the House and Allen of the Senate.

An Act relating to roads and bridges; creating the Choctaw Code Talkers Bridge Naming Program Act; requiring the program be administered by the Oklahoma Department of Transportation; designating bridges honoring Choctaw Code Talkers Albert Billy, Mitchell Bobb, Victor Brown, Ben Carterby, Ben Colbert, George E. Davenport, Joseph H. Davenport, James M. Edwards, Tobias W. Frazier, Benjamin Hampton, Noel Johnson, Otis Leader, Solomon Bond Louis, Pete Maytubby, Jeff Nelson, Joseph Oklahombi, Robert Taylor, Charles Walter Veach, Calvin Wilson, Forreston Baker, Schlicht Billy, Andrew Perry, and Davis Pickens; designating the Jennifer Lea Briggs and Heather Wilson Memorial Highway; designating the Keith Alan Copeland Memorial Bridge; designating the CPL Eldon Ervin Memorial Bridge; designating the Judge Ray Dean Linder Interchange; designating the Senator Owen Laughlin Bridge; designating the James Everett Clark III Memorial Bridge; designating the Col Noble A. Miller, USAF – WWII, Korea and Vietnam, Memorial Highway; designating the SSG Jack Morgan Memorial Bridge; designating the Lt. Lowry Douglas Durlington Memorial Highway; designating the SPC Sonny Gene Sampler Memorial Highway; designating the Officer Nathan B. Graves Memorial Highway; designating the Pearl Harbor Veterans: CBM Doyle E. Winters, BM1c Jerry E. Roop, and S2c Donald G. Loe Memorial Highway; requiring placement of certain permanent markers; providing for codification; and providing an effective date.

HB 1206 – By Casey and Newton of the House and Pemberton of the Senate.

An Act relating to education; amending 70 O.S. 2011, Section 6-187, as last amended by Section 31, Chapter 54, O.S.L. 2015 (70 O.S. Supp. 2016, Section 6-187), which relates

to competency examinations; providing for additional certification of special education teachers in certain instances; and providing an effective date.

HB 1306 – By Murdock, Jordan, Fetgatter, West (Josh), Hilbert, Baker, Sanders, Osborn (Leslie), Biggs, Roberts (Dustin), Bennett (John), Wallace, Gann, Murphey, McDugle, Roberts (Sean) and Derby of the House and Leewright of the Senate.

An Act relating to crimes and punishments; creating the Blue Lives Matter in Oklahoma Act of 2017; amending 21 O.S. 2011, Section 701.9, which relates to penalties for first and second degree murder; modifying penalty for certain first degree murder convictions; updating language; providing for noncodification; and providing an effective date.

HB 1376 – By Watson of the House and Marlatt of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2011, Sections 142.2 and 142.9, which relate to the Oklahoma Underground Facilities Damage Prevention Act; redefining certain term; modifying application of certain required notification; and providing an effective date.

HB 1449 – By Roberts (Dustin) of the House and Bice of the Senate.

An Act relating to motor vehicle registrations; creating the Motor Fuels Tax Fee; establishing fee as a registration fee for certain types of vehicles; providing fee amount; clarifying circumstances and manner in which fee shall be paid; making fee a prerequisite to licensing and registration; apportioning fee revenue; defining terms; providing for codification; and providing an effective date.

HB 1506 – By Strohm of the House and Stanislawski of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 24-114, as amended by Section 1, Chapter 314, O.S.L. 2016 (70 O.S. Supp. 2016, Section 24-114), which relates to student records; providing that certain information may be stored in either single- or multiple-file format; modifying certain definition; providing an effective date; and declaring an emergency.

HB 1579 – By Caldwell of the House and Bice of the Senate.

An Act relating to poor persons; amending 56 O.S. 2011, Section 1010.1, which relates to the Oklahoma Medicaid Program Reform Act of 2003; requiring Department of Public Safety to cooperate with Oklahoma Health Care Authority to establish certain procedures; and providing an effective date.

HB 1668 – By Thomsen of the House and Rader of the Senate.

An Act relating to schools; amending Section 2, Chapter 13, O.S.L. 2016 (70 O.S. Supp. 2016, Section 822.2), which relates to the prohibition of persons from giving money or a thing of value to a student-athlete or family member for certain purposes; removing requirement that high schools advise certain students of certain information; providing an effective date; and declaring an emergency.

HB 1759 – By Henke of the House and Rader of the Senate.

An Act relating to officers; amending 51 O.S. 2011, Section 6, as last amended by Section 1, Chapter 297, O.S.L. 2016 (51 O.S. Supp. 2016, Section 6), which relates to exemptions to the prohibition against certain dual office holdings; extending certain exemption to cover county offices and positions; and declaring an emergency.

HB 2157 – By Nollan and Bennett (John) of the House and Smalley of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 18-114.9, as amended by Section 1, Chapter 56, O.S.L. 2015 (70 O.S. Supp. 2016, Section 18-114.9), which relates to reduction in teacher salary; modifying type of retention pay that is not included in total compensation of teachers; deleting provision from previous school year; providing an effective date; and declaring an emergency.

The above-numbered measures were read the first time.

Advising the Honorable Senate pursuant to Article 5, Section 30 of the Oklahoma Constitution that the House requests the Honorable Senate to grant the request of the House to adjourn for more than three (3) days beginning Wednesday, March 15, 2017 and ending Monday, March 20, 2017.

EXECUTIVE NOMINATION

The following executive nomination was read and referred to the committee indicated:

Paque, Michel, Oklahoma City, as a member of the Environmental Quality Board - Energy

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 13, 2017, at 1:30 p.m., which motion prevailed.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 28 - Coauthored by Representative Frix (principal House author)

SB 59 - Coauthored by Representative West (Josh) (principal House author)

SB 77 - Coauthored by Representative Newton (principal House author)

SB 238 - Coauthored by Representative Enns (principal House author)

SB 286 - Coauthored by Representative Cleveland (principal House author)

SB 652 - Coauthored by Representative Young (principal House author)

SB 657 - Coauthored by Representative Ritze (principal House author)

SB 765 - Coauthored by Representative Henke (principal House author)

SCR 3 - Coauthored by Representative Park (principal House author)
HB 1306 - Coauthored by Representative Derby
HB 1495 - Coauthored by Representative Strohm
HB 2312 - Coauthored by Senator Yen

Pursuant to the Treat motion, the Senate adjourned at 12:00 p.m. to meet Monday, March 13, 2017, at 1:30 p.m.