

Senate Journal

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

Forty-Eighth Legislative Day, Monday, May 1, 2017

The Senate was called to order by Senator Dahm.

Roll Call:

Present: Allen, Bass, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.—46.

Vacancy: Districts 44 and 45.—2.

Senator Dahm declared a quorum present.

The prayer was offered by Pastor Martin Dyer, Newsong Church, Grove, the guest of Senator Shaw.

INTRODUCTION

Senator Kidd introduced former Senator Don Barrington, to the Senate.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1377, 1444, 1449, 1459, 1465, 1485, 1533, 1562, 1563, 1694, 1703, 1827, 2008, 2230, 2237, 2306 and 2316 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 48, 145 and 147 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAS

HAs to SBs 144, 146, 319, 326, and 827, were rejected upon motion of Senator Treat, conference requested, and Senate conferees to be named later.

EXECUTIVE NOMINATIONS

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

Clancy, Dr. Gerard P., Tulsa, to the Oklahoma Science and Technology Research and Development Board, to serve an unexpired term ending June 30, 2018, succeeding Steadman Upham. (Energy Committee) Motion to confirm made by Senator Gary Stanislawski.

Delano, Dr. Robert D., Edmond, to the Air Quality Advisory Council, to serve an unexpired term ending June 15, 2018, succeeding Robert A. Lunch. (Energy Committee) Motion to confirm made by Senator Stephanie Bice.

Droegemeier, Dr. Kelvin K., Norman, to the Secretary of Science and Technology, to serve a coterminous term with the Governor, succeeding Stephen McKeever. (Energy Committee) Motion to confirm made by Senator Rob Standridge.

Griesel, David K., El Reno, to the Environmental Quality Board, to serve a five-year term ending January 31, 2022, succeeding himself. (Energy Committee) Motion to confirm made by Senator Lonnie Paxton.

Hooper, Rhonda, Edmond, to the Oklahoma Science and Technology Research and Development Board, to serve a four-year term ending June 30, 2021, succeeding herself. (Energy Committee) Motion to confirm made by Senator Stephanie Bice.

Kinder, James W., Walters, to the Environmental Quality Board, to serve a five-year term ending January 31, 2022, succeeding himself. (Energy Committee) Motion to confirm made by Senator Chris Kidd.

Klutts, Kurt, Poteau, to the Oklahoma Mining Commission, to serve a seven-year term ending January 1, 2024, succeeding himself. (Energy Committee) Motion to confirm made by Senator Mark Allen.

Landers, Stephen, Fort Gibson, to the Air Quality Advisory Council, to serve a seven-year term ending June 15, 2023, succeeding Sharon O. Meyers. (Energy Committee) Motion to confirm made by Senator Kim David.

Melton, Robert Lloyd, Claremore, to the Oklahoma Water Resources Board, to serve a seven-year term ending May 14, 2022, succeeding Ed Fite. (Energy Committee) Motion to confirm made by Senator Marty Quinn.

Paque, Michel, Oklahoma City, to the Environmental Quality Board, to serve a five-year term ending January 31, 2022, succeeding Cheryl Vaught. (Energy Committee) Motion to confirm made by Senator Greg Treat.

Salmon, Dr. Terry, Norman, to the Oklahoma Science and Technology Research and Development Board, to serve a four-year term ending June 30, 2021, succeeding himself. (Energy Committee) Motion to confirm made by Senator Rob Standridge.

Wise, Sherri L., Tulsa, to the Oklahoma Science and Technology Research and Development Board, to serve a four-year term ending June 30, 2021, succeeding herself. (Energy Committee) Motion to confirm made by Senator Joe Newhouse.

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

Aye: Allen, Bass, Bergstrom, Bice, Boggs, Brecheen, Daniels, David, Dossett, Dugger, Fields, Floyd, Fry, Griffin, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat and Yen.--41.

Nay: Dahm and Sykes.--2.

Excused: Brown, Holt and Newberry.--3.

Vacancy: Districts 44 and 45.--2.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 48, 145 and 147**.

The above-numbered enrolled measures were referred to the Governor.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1913 and 2312**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HB 1760**.

Advising rejection of **SAs** on **HBs**, requesting conference and naming conferees as follows:

- HB 1116** – Conference Committee on Judiciary – Criminal Justice and Corrections
- HB 1161** – Conference Committee on Common Education
- HB 1169** – Conference Committee on Business, Commerce and Tourism
- HB 1191** – Conference Committee on Health Services and Long-Term Care
- HB 1283** – Conference Committee on Business, Commerce and Tourism
- HB 1326** – Conference Committee on Judiciary – Criminal Justice and Corrections
- HB 1338** – Conference Committee on Public Safety
- HB 1341** – Conference Committee on Judiciary – Criminal Justice and Corrections
- HB 1491** – Conference Committee on Children, Youth and Family Services
- HB 1534** – Conference Committee on Business, Commerce and Tourism
- HB 1574** – Conference Committee on Judiciary – Civil and Environmental
- HB 1679** – Conference Committee on Judiciary – Criminal Justice and Corrections
- HB 1684** – Conference Committee on Common Education
- HB 1720** – Conference Committee on Insurance
- HB 2151** – Conference Committee on Energy and Natural Resources
- HB 2157** – GCCA
- HB 2186** – Conference Committee on Business, Commerce and Tourism

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

Advising passage of and returning the following engrossed bills as amended:

- SB 6** - coauthored by Representatives Bennett (John), Ritze, Strohm, Roberts (Sean), Babinec, McCall, Humphrey, Cleveland, West (Rick), Russ, Enns and Calvey
- SB 28**
- SB 84** - coauthored by Senator Stanislawski and Representative Nollan
- SB 85**
- SB 102**
- SB 185** - remove Representative Biggs as principal House author and substitute with Representative Babinec
- SB 214**
- SB 242** - remove Representative Sears as principal House author and substitute with Representative Martinez
- SB 284** - coauthored by Representative McBride
- SB 298** - remove Representative Sears as principal House author and substitute with Representative Echols
- SB 323**
- SB 353**
- SB 467**
- SB 477**

SB 478 - coauthored by Senator Brecheen

SB 591

SB 615 - coauthored by Senator Bergstrom

SB 635

SB 643

SB 651 - remove Representative O'Donnell as principal House author and substitute with Representative Jordan

SB 733

SB 769 - coauthored by Representative Kannady

SB 786 - coauthored by Representative Cleveland

SB 787 - coauthored by Representatives Roberts (Sean), Kouplen, Virgin and Moore

SB 828

House amendments were read on the above-numbered bills.

EXECUTIVE NOMINATIONS

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

Burrage, Michael Sean, Durant, as a member of the Board of Juvenile Affairs - Health and Human Services

Erker, Sr., Rodger P., Tulsa, as a member of the Oklahoma Real Estate Commission - Business, Commerce and Tourism

Fox, Janice, Norman, as a member of the Oklahoma Employment Security Commission - Business, Commerce and Tourism

Haddox, Elton Denny, Claremore, as a member of the J.M. Davis Memorial Commission - Business, Commerce and Tourism

Hudson, Karen, Ada, as a member of the Oklahoma Employment Security Commission - Business, Commerce and Tourism

Ivey, Patrick Ryan Davis, Oklahoma City, as a member of the Alarm and Locksmith Industry Committee - Business, Commerce and Tourism

Newsome, Jr., P. David, Tulsa, as a member of the Oklahoma Securities Commission - Business, Commerce and Tourism

Phillips, Jr., Thompson S., Edmond, as a member of the Oklahoma Securities Commission - Business, Commerce and Tourism

Poteete, Nancy B., Norman, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Ramseyer, Christopher C. E., Norman, as a member of the State Board of Licensure for Professional Engineers and Land Surveyors - Business, Commerce and Tourism

Sherrer, Robert Benjamin, Chouteau, as a member of the Forensic Review Board - Public Safety

Thompson Stanton, Suzanne J., Tulsa, as a member of the Board of Examiners for Speech-Language Pathology and Audiology - Health and Human Services

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 2, 2017, at 1:30 p.m., which motion prevailed.

COMMITTEE REPORT

The following was reported by the committee named, ordered printed and placed on the Calendar:

DO PASS, As Amended:

CS for SB 838 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Allen, Bergstrom, Boggs, Brecheen, Dahm, Daniels, David, Dugger, Fields, Fry, Griffin, Holt, Jech, Kidd, Leewright, McCortney, Newhouse, Paxton, Pederson, Pemberton, Pugh, Quinn, Scott, Sharp, Shaw, Silk, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Yen

Nays: Dossett

House:

Ayes: Caldwell, Cockroft, Henke, Jordan, Martin, O'Donnell, Ortega, Osborn (L), Ownbey, Pfeiffer, Russ, Sanders, Sears, Wallace, Wright.--15.

Nays: Bennett (J), Biggs, Casey, Dunnington, Inman, Loring, Murphey, Proctor, Roberts (D), Stone.--10.

PENDING CONSIDERATION OF HAS

HAs to SBs 185 and 591, were rejected upon motion of Senator Treat, conference requested, and Senate conferees to be named later.

FIRST READING

The following were introduced and read the first time:

SCR 13 – By Dugger and Fields of the Senate and Williams and Babinec of the House.

A Concurrent Resolution celebrating the 20th anniversary of the Robert M. Kerr Food & Agricultural Products Center at OSU; recognizing May 10, 2017, as Robert S. Kerr Food & Agricultural Products Center Day; and directing distribution.

SR 18 – By Fry.

A Resolution commemorating the 50th anniversary of the formation of the Oklahoma Department of Corrections; recognizing the dedication of DOC employees; and directing distribution.

SR 19 – By Schulz.

A Resolution encouraging closer economic relationships between the United States and Taiwan by negotiating a FTA; commending the signing of an International Expedited Traveler Initiative; celebrating the 37th anniversary of the sister-state relationship between the State of Oklahoma and Taiwan; commending Mr. Louis M. Huang for efforts and contributions; and directing distribution.

CHANGE IN AUTHOR/COAUTHOR

The following measure was authored/coauthored:

SB 493 - Coauthored by Senator Allen

MESSAGES FROM THE GOVERNOR

Advising her approval May 1, 2017, of Enrolled **SBs 15, 24, 53, 57, 120, 154, 286, 303, 433, 468, 474, 479, 525, 604** and **690**.

Advising her veto May 1, 2017, of Enrolled **SBs 206** and **245**.

The veto messages read as follows:

May 1, 2017

To the Honorable President Pro Tempore
And Members of the Oklahoma Senate
First Session of the
Fifty Sixth Oklahoma Legislature

ENROLLED SENATE BILL NO. 206:

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 206.

The State of Oklahoma currently has hundreds of agencies, boards, and commissions. One of my focuses since taking office has been to streamline government, reduce the number of entities, and create a more efficient, accountable state government.

While possible reform of merit protection is an important issue worthy of review, this issue can be addressed through a non-statutory avenue, rather than passing legislation and adding statutory provisions to our already lengthy legal code.

This legislation also inadvertently creates an additional financial burden to state agencies by requiring them to provide mileage reimbursements to committee members.

Senate Bill 206 is not consistent with my commitment to reduce the size and cost of state government.

By the Governor of the State of Oklahoma
/s/ Mary Fallin

May 1, 2017

To the Honorable President Pro Tempore
And Members of the Oklahoma Senate
First Session of the
Fifty Sixth Oklahoma Legislature

ENROLLED SENATE BILL NO. 245:

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 245.

In Oklahoma, many of our agencies are governed by boards made up of everyday citizens willing to serve, often without pay, to keep our State operating. Every year, the Senate, the House of Representatives, the Judiciary, other state officials, and I appoint over 1,000 Oklahoma citizens to these positions. Additionally, county, cities, and towns rely on volunteers to serve on boards, commissions, and committees to aid local governmental entities. I have great appreciation and respect for every resident who volunteers to serve on one of these boards, commissions, and committees. However, these individuals need to be accessible to the public that they serve.

I strongly support full compliance with the Open Meetings Act, and agree that public officials, public servants and public entities must comply with the Act. SB 245 allows an undefined set of individuals to create a quorum for a virtual charter school meeting. Conversely, this bill does not treat boards, commissions, and committees equally. Under the provisions of this bill, a virtual charter school may hold a meeting with a majority of its membership videoconferencing into the meeting rather than a quorum being present at one location accessible to the public.

This legislation completely contradicts the intent of the Oklahoma Open Meetings Act.

By the Governor of the State of Oklahoma
/s/ Mary Fallin

Pursuant to the Treat motion, the Senate adjourned at 2:00 p.m. to meet Tuesday, May 2, 2017, at 1:30 p.m.