

# Senate Journal

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

**Fiftieth Legislative Day, Wednesday, May 3, 2017**

The Senate was called to order by Senator Marlatt.

Roll Call:

Present: Allen, 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, Yen.—45.

Excused: Bass.—1.

Vacancy: Districts 44 and 45.—2.

Senator Marlatt declared a quorum present.

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

### INTRODUCTIONS

Senator Allen introduced his wife, Nikki; Senator Brown introduced his wife, Linda; and Senator David introduced Jacie Fields, daughter of Senator Eddie Fields, to the Senate.

### PENDING CONSIDERATION OF HAS

**HAs to SBs 213, 546, 588, 603, 649, 689, and 793** were rejected upon motion of Senator Treat, conference requested, and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 84** were concurred in upon motion of Senator Bergstrom.

**SB 84**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--42.

Excused: Bass, Fields, Silk and Sparks.--4.

Vacancy: Districts 44 and 45.--2.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 217** were concurred in upon motion of Senator Griffin.

**SB 217**, as amended by the Honorable House, was read 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, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--42.

Excused: Bass, Fields, Silk and Sparks.--4.

Vacancy: Districts 44 and 45.--2.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAs**

**HAs to SB 228** were concurred in upon motion of Senator Griffin.

**SB 228**, as amended by the Honorable House, was read 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, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--42.

Excused: Bass, Fields, Silk and Sparks.--4.

Vacancy: Districts 44 and 45.--2.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAs**

**HAs to SB 726** were concurred in upon motion of Senator Griffin.

**SB 726**, as amended by the Honorable House, was read 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, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Sharp, Shaw, Simpson, Smalley, Stanislawski, Sykes, Thompson and Treat.-39.

Nay: Scott, Standridge and Yen.--3.

Excused: Bass, Fields, Silk and Sparks.--4.

Vacancy: Districts 44 and 45.--2.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 514** were concurred in upon motion of Senator Stanislawski.

**SB 514**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, David, Dossett, Dugger, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--42.

Excused: Bass, Fields, Silk and Sparks.--4.

Vacancy: Districts 44 and 45.--2.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 543** were concurred in upon motion of Senator Simpson.

**SB 543**, as amended by the Honorable House, was read 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, Floyd, Fry, Griffin, Holt, Jech, Kidd, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--42.

Excused: Bass, Fields, Silk and Sparks.--4.

Vacancy: Districts 44 and 45.--2.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

### **Senator Bice presiding**

### **EXECUTIVE NOMINATIONS**

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

Beene, Kerrie A., Valliant, to the Board of Trustees for Southeastern Oklahoma State University - McCurtain County Campus, to serve a nine-year term ending June 30, 2024, succeeding Ramona Clawson. (Education Committee) Motion to confirm made by Senator Greg Treat on behalf of Senator Joseph Silk.

Echols, David W., Oklahoma City, to the Board of Regents for Oklahoma City Community College, to serve a seven-year term ending April 22, 2024, succeeding Lenora Burdine. (Education Committee) Motion to confirm made by Senator Anthony Sykes on behalf of Senator Mike Schulz.

Ferriabough-Charlton, Pageant, Tulsa, to the Oklahoma Board of Private Vocational Schools, to serve a six-year term ending July 1, 2023, succeeding Larry Bunting. (Education Committee) Motion to confirm made by Senator Joe Newhouse.

Hamilton, Patricia J., Hominy, to the State Textbook Committee, to serve a three-year term ending March 1, 2020, succeeding Lisa Storm. (Education Committee) Motion to confirm made by Senator Greg Treat on behalf of Senator Eddie Fields.

Harkins, Ruth P., McAlester, to the Board of Regents of Eastern Oklahoma State College, to serve an unexpired term ending June 1, 2020, succeeding Monte R. McAlester. (Education Committee) Motion to confirm made by Senator Larry Boggs.

Huggins, Robert Carroll, Stigler, to the Board of Regents for Carl Albert State College, to serve a seven-year term ending July 1, 2024, succeeding himself. (Education Committee) Motion to confirm made by Senator Larry Boggs.

Hyden, Kimberly L., Prague, to the Board of Regents of Seminole State College, to serve a seven-year term ending July 1, 2024, succeeding Leesa Adams. (Education Committee) Motion to confirm made by Senator Jason Smalley.

Jones, Wendy J., Strang, to the State Textbook Committee, to serve an unexpired term ending March 1, 2019, succeeding Nancy Poindexter. (Education Committee) Motion to confirm made by Senator Micheal Bergstrom.

Loy, A. Thomas, Oklahoma City, to the Student Loan Authority, to serve a five-year term ending April 6, 2022, succeeding himself. (Education Committee) Motion to confirm made by Senator Greg Treat.

McColl, Lynda C., Mustang, to the Board of Regents for Redlands Community College, to serve a seven-year term ending April 22, 2024, succeeding herself. (Education Committee) Motion to confirm made by Senator Lonnie Paxton.

McDermott, Jane H., Alva, to the Regional University System of Oklahoma, to serve a nine-year term ending June 10, 2026, succeeding Michael Mitchel. (Education Committee) Motion to confirm made by Senator Bryce Marlatt.

Mitchell, Wesley G., Owasso, to the Board of Regents of the Tulsa Community College, to serve a seven-year term ending June 30, 2024, succeeding Martin D. Garber, Jr. (Education Committee) Motion to confirm made by Senator Marty Quinn.

Ossinger, Timothy D., Oklahoma City, to the Board of Regents for Rose State College, to serve a seven-year term ending July 1, 2024, succeeding Steve Coleman. (Education Committee) Motion to confirm made by Senator Jack Fry.

Osterhout, Ronald D., Altus, to the Board of Regents of Western Oklahoma State College, to serve a seven-year term ending March 24, 2024, succeeding Mark Dodson. (Education Committee) Motion to confirm made by Senator Mike Schulz.

Rickey, Scott, Broken Bow, to the Board of Trustees for Southeastern Oklahoma State University-McCurtain County Campus, to serve an unexpired term ending June 30, 2019, succeeding Ted Brewer. (Education Committee) Motion to confirm made by Senator Josh Brecheen on behalf of Senator Joseph Silk.

Scott, Mary J., Mangum, to the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park, to serve a seven-year term ending June 30, 2024, succeeding herself. (Education Committee) Motion to confirm made by Senator Mike Schulz.

Sheffield, Kathryn (Paige), Wewoka, to the Board of Regents of Seminole State College, to serve a seven year term ending July 1, 2023, succeeding Karen L. James. (Education Committee) Motion to confirm made by Senator Jason Smalley.

Stewart, David R., Afton, to the State Board of Career and Technology Education, to serve a six-year term ending April 1, 2023, succeeding himself. (Education Committee) Motion to confirm made by Senator Micheal Bergstrom.

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

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

Nay: Dahm.--1.

Excused: Bass, Brown, Fields and Silk.--4.

Vacancy: Districts 44 and 45.--2.

### **Senator Marlatt presiding**

### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SB 84** was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### **MESSAGES FROM THE HOUSE**

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1149, 1263, 1305, 1427, 1431, 1470** and **1623**.

Advising fourth reading of and returning Enrolled **SB 84**.

The above-numbered enrolled measure was referred to the Governor.

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1667, 1823** and **2128**.

Advising rejection of **SAs** to the following bills, requesting conference and naming House Conference Committee on :

- HB 1389** – Conference Committee on Business, Commerce and Tourism
- HB 1459** – GCCA
- HB 1462** – Conference Committee on Judiciary – Civil and Environmental
- HB 1465** – Conference Committee on Rules
- HB 1515** – GCCA
- HB 1519** – GCCA
- HB 1562** - Conference Committee on Rules
- HB 1563** – Conference Committee on Elections and Ethics
- HB 1564** – Conference Committee on Elections and Ethics
- HB 1680** – Conference Committee on Judiciary – Criminal Justice and Corrections
- HB 1832** – Conference Committee on Judiciary – Civil and Environmental
- HB 1835** – Conference Committee on Judiciary –Civil and Environmental
- HB 1862** – GCCA
- HB 1944** – Conference Committee on Administrative Rules
- HB 1999** – Conference Committee on Administrative Rules
- HB 2234** – Conference Committee on Rules
- HB 2237** – Conference Committee on Rules
- HB 2242** – Conference Committee on Judicial – Civil and Environmental
- HB 2276** – Conference Committee on Judiciary – Civil and Environmental
- HB 2301** – GCCA
- HB 2316** – Conference Committee on Administrative Rules

## **EXECUTIVE NOMINATIONS**

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

Clayton, Kyle, Chester, as a member of the Oklahoma Liquefied Petroleum Gas Board – Energy

Huddleston, Kevin J., Lexington, as a member of the Oklahoma Liquefied Petroleum Gas Board - Energy

Manning, Kerry, Durant, as a member of the Board of Trustees for Southeastern Oklahoma State University-McCurtain County Campus - Education

Meshri, Dr. Dayal T., Tulsa, as a member of the Oklahoma Science and Technology Research and Development Board - Energy



Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 4, 2017, at 9:30 a.m., which motion prevailed.

## **SECOND READING**

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

**HB 2348** – Direct To Calendar

**HB 2357** – Direct To Calendar

**HB 2358** – Direct To Calendar

**HB 2361** – Direct To Calendar

**HB 2392** – Direct To Calendar

## **MESSAGES FROM THE GOVERNOR**

Advising her approval May 3, 2017, of Enrolled **SBs 29, 38, 116, 191, 360, 469, 486, 595, 652, 773** and **813**.

Advising her veto May 3, 2017 of Enrolled **SBs 2** and **784**

The veto messages read as follows:

May 3, 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 2:**

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 2.

Senate Bill 2 moves Oklahoma backwards. United States History is a vital component of a student's academic coursework. It grounds students in our nation's founding principles and our Constitution, and teaches that American exceptionalism led the world to unite behind the concepts that liberty and freedom are fundamental human rights. Our students need to be grounded in our history and equipped to meet our nation's future challenges.

In 2016, only 62 percent of students in Oklahoma scored proficient or advanced on their End of Instruction exam on U.S. History. If U.S. History is not measured through a test, its importance in school will be lessened.

We stand at a critical juncture as a country...we need students who have the patriotic values our state and nation instilled in them.

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

May 3, 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 784:**

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 784.

Senate Bill 784 removes the statutory limitations on full-time employees hired by the State Board of Pharmacy (Agency), removing essential state oversight on the number of full-time employees hired by the Agency. This would result in an increased financial burden imposed upon the employee benefit programs and the state pension system.

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

Pursuant to the Treat motion, the Senate adjourned at 3:10 p.m. to meet Thursday, May 4, 2017, at 9:30 a.m.