

Senate Journal

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

Twenty-fourth Legislative Day, Monday, March 19, 2018

The Senate was called to order by Senator Griffin.

Roll Call:

Present: Allen, Bass, Bergstrom, Bice, Boggs, Brecheen, Brooks, Brown, Dahm, Daniels, David, Dugger, Floyd, Griffin, Holt, Ikley-Freeman, Jech, Kidd, Leewright, Matthews, McCortney, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Rosino, Schulz, Scott, Sharp, Shaw, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat and Yen.—41.

Excused: Dossett, Fields, Fry, Murdock, Newhouse, Silk and Standridge.—7.

Senator Griffin declared a quorum present.

The prayer was offered by Pastor Carlos Griffin, Green Pastures Church of Christ, Spencer, the guest of Senator Pittman.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 224, 892, 896, 912, 957, 1011, 1016, 1056, 1086, 1120, 1156, 1174, 1249, 1270, 1296, 1299, 1321, 1333, 1334, 1338, 1353, 1369, 1372, 1377, 1390, 1400, 1405, 1415, 1435, 1442, 1474, 1475, 1490, 1491, 1522, 1542, 1546, 1566, 1570 and 1581 and SJRs 39 and 45 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

INTRODUCTION

Senator Ikley-Freeman introduced her daughter, Piper, to the Senate.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1120, 1152, 2721, 2843, 2941, 2943, 2997, 3011, 3026, 3027, 3143, 3145, 3277, 3306, 3311, 3341, 3353, 3393, 3400, 3438, 3447, 3468, 3470, 3471, 3473, 3540, 3557, 3582, 3594, 3595, 3603 and 3676** and **HJR 1043 and 1050**.

HB 1120 – By Cockroft of the House and Sykes of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2011, Sections 514.4 and 514.5, which relate to notification of outstanding warrants; specifying sheriffs are authorized to contract with certain associations to administer contracts with certain third parties; modifying distribution of administrative fee; and providing an effective date.

HB 1152 – By Cockroft of the House and Sykes of the Senate.

An Act relating to motor vehicles; amending Section 6, Chapter 176, O.S.L. 2013, as amended by Section 3, Chapter 125, O.S.L. 2016 (47 O.S. Supp. 2017, Section 7-626), which relates to the Oklahoma Temporary Motorist Liability Plan; authorizing the Insurance Commissioner to contract with a certain association to serve as Plan Administrator; and providing an effective date.

HB 2721 – By Russ of the House and Jech of the Senate.

[public health and safety - Oklahoma Emergency Response Systems Development Act - effective date]

HB 2843 – By Meredith of the House and Pemberton of the Senate.

An Act relating to public health; amending 63 O.S. 2011, Section 1-551.1, as last amended by Section 1, Chapter 235, O.S.L. 2014 (63 O.S. Supp. 2017, Section 1-551.1), which relates to the tumor registry; making the reporting of certain data and information relating to tumor patients mandatory; and providing an effective date.

HB 2941 – By Mulready of the House and Bice of the Senate.

[insurance - removing requirement that certain policy of title insurance be provided by certain insured person - effective date]

HB 2943 – By Newton of the House and Murdock of the Senate.

An Act relating to firearms; amending 21 O.S. 2011, Section 1290.9, as last amended by Section 2, Chapter 4, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1290.9), which relates to the Oklahoma Self-Defense Act; clarifying certain eligibility requirement and definition; and providing an effective date.

HB 2997 – By Munson and Ritze of the House and Dossett of the Senate.

An Act relating to definitions and general provisions; designating the red-tailed hawk as the state raptor; providing for codification; and providing an effective date.

HB 3011 – By Bennett (Forrest) of the House and Dahm of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2011, Section 199.8, as last amended by Section 6, Chapter 260, O.S.L. 2014 (59 O.S. Supp. 2017, Section 199.8), which relates to the Oklahoma Cosmetology and Barbering Act; modifying number of apprentices registered to receive training; reducing hours of training needed for examination; and providing an effective date.

HB 3026 – By Virgin of the House and Yen of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 11-1112, as last amended by Section 2, Chapter 376, O.S.L. 2017 (47 O.S. Supp. 2017, Section 11-1112), which relates to child passenger restraint systems; and modifying criteria requiring certain restraints.

HB 3027 – By Virgin of the House and Bice of the Senate.

An Act relating to alcoholic beverages; amending Section 76, Chapter 366, O.S.L. 2016, as amended by Section 1, Chapter 360, O.S.L. 2017 (37A O.S. Supp. 2017, Section 3-106), which relates to direct wine shipping; eliminating provisions relating to Direct Wine Consumer's Permit; modifying acts required for holder of a Direct Wine Shipper Permit; repealing Section 76, Chapter 366, O.S.L. 2016, as amended by Section 3, Chapter 307, O.S.L. 2017 (37A O.S. Supp. 2017, Section 3-106), which relates to a duplicate section; and providing an effective date.

HB 3143 – By Dunnington of the House and Pugh of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Sections 1361.1 and 1361.2, which relate to proofs of sales tax exemptions; providing certain interpretation of certain phrase under certain conditions; prohibiting certain acts by vendors under certain conditions; and providing an effective date.

HB 3145 – By Dunnington of the House and Sparks of the Senate.

An Act relating to waters and water rights; imposing requirement on municipalities with respect to inclined block rate structures for water usage; providing for excessive water usage surcharge; authorizing surcharge revenues to be used for municipal water systems; excluding certain waters; providing for codification; and providing an effective date.

HB 3277 – By Kannady of the House and Sykes of the Senate.

[workers' compensation - Administrative Workers' Compensation Act – determination of discrimination or retaliation - specific types of injury or illness - billing and collection of fees for services - Workers' Compensation Commission - securing workers' compensation for employees - modifying temporary total and temporary partial disability compensation and permanent partial disability compensation rates - Advisory Council on Workers' Compensation - tax rates and distribution of certain funds - transfers from the Workers' Compensation Court - Workers' Compensation Arbitration Act - effective date]

HB 3306 – By Wright of the House and Fields of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 11-309, as amended by Section 1, Chapter 211, O.S.L. 2017 (47 O.S. Supp. 2017, Section 11-309), which relates to driving on roadways laned for traffic; prohibiting left-lane driving by certain vehicles; providing certain exceptions; requiring certain signage be erected; and providing an effective date.

HB 3311 – By Baker, West (Tammy) and Lawson of the House and Bergstrom of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 11-103.6, as last amended by Section 1, Chapter 118, O.S.L. 2017 (70 O.S. Supp. 2017, Section 11-103.6), which relates to school curriculum; requiring inclusion of content from United States naturalization test in standards; providing for availability of test in specified formats; mandating emphasis on civics in United States Government standards; defining term; amending 70 O.S. 2011, Section 1210.508, as last amended by Section 4, Chapter 360, O.S.L. 2016 (70 O.S. Supp. 2017, Section 1210.508), which relates to the statewide system of student assessments; modifying emphasis of United States History assessment to include civics; providing an effective date; and declaring an emergency.

HB 3341 – By Roberts (Sean), Strohm, Ritze, Coody and Bennett (John) of the House and Sykes of the Senate.

An Act relating to elections; authorizing certain data validation for citizenship status; providing for utilization of the Office of Management and Enterprise Services for security of data validation; requiring participation from state agencies; specifying time to conduct data validations; requiring reporting of noncitizens to district attorney; providing for reporting of results of data validation to certain persons; providing exemption to the Oklahoma Open Records Act; providing for promulgation of rules; providing for codification; and providing an effective date.

HB 3353 – By Roberts (Sean) and Hilbert of the House and Dahm of the Senate.

An Act relating to weapons; amending 21 O.S. 2011, Sections 1272, as last amended by Section 1, Chapter 217, O.S.L. 2016 and 1277, as last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp. 2017, Sections 1272 and 1277), which relate to the unlawful carry of weapons; modifying weapons that are unlawful; modifying places excluded from the prohibition of taking handguns on specified property; amending 21 O.S. 2011, Section 1290.8, as last amended by Section 1, Chapter 298, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1290.8), which relates to Oklahoma Self-Defense Act; authorizing handgun licensees and certain military personnel to carry handgun while scouting for specific purposes; and providing an effective date.

HB 3393 – By Goodwin, Dunnington, Loring and Kannady of the House and Griffin of the Senate.

An Act relating to prisons and reformatories; directing penal institutions, detention centers and jails to use least restrictive restraints on pregnant inmates; prohibiting use of restraints on inmates during labor and delivery; providing an exception; providing for publication of certain notice; directing penal institutions, detention centers and jails to allow access to family member, friend or doula services for pregnant inmates; making certain acts unlawful; providing penalties; defining terms; providing for codification; and providing an effective date.

HB 3400 – By Williams of the House and Smalley of the Senate.

An Act relating to child care; amending 10 O.S. 2011, Sections 405.2, as amended by Section 7, Chapter 308, O.S.L. 2013 and 407, as amended by Section 10, Chapter 308, O.S.L. 2013 (10 O.S. Supp. 2017, Sections 405.2 and 407), which relate to the Oklahoma Child Care Facilities Licensing Act; modifying information to be included in certain online database; prohibiting inclusion of certain licensee address; providing exception for nonpublic database for law enforcement purposes; directing appointment of administrative law judge; requiring hearing for protest of a license revocation or denial within a specified amount of time; specifying who will conduct emergency order hearing; decreasing amount of time for emergency order hearing; and providing an effective date.

HB 3438 – By Echols, Roberts (Dustin), ODonnell, West (Kevin), Dunlap, Babinec, Martinez, Tadlock, Fetgatter, Roberts (Sean), Taylor, Teague, Cleveland and Murphey of the House and David of the Senate.

[roads, bridges and ferries - County Improvements for Roads and Bridges Fund - effective date]

HB 3447 – By Calvey and Bennett (John) of the House and Treat of the Senate.

An Act relating to Medicaid; creating the Defunding Statutory Rape Cover-up Act; providing for definitions; prohibiting certain provider from being eligible for reimbursement through certain programs under certain conditions; providing for certain period of ineligibility to participate in programs; requiring Oklahoma Health Care Authority to promulgate certain rules; prohibiting preclusion of certain prosecution; providing for codification; and providing an effective date.

HB 3468 – By Jordan of the House and McCortney of the Senate.

[medical marijuana - creating the Oklahoma Cannabis Commission - creating the Oklahoma Cannabis Commission Governing Board - creating office of the Oklahoma Cannabis Commissioner]

HB 3470 – By Jordan and Bennett (John) of the House and Paxton of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2011, Section 180.43, as amended by Section 2, Chapter 263, O.S.L. 2017 (19 O.S. Supp. 2017, Section

180.43), which relates to the housing of prisoners; directing deposit of funds from certain contracts into Sheriff's Service Fee Account; authorizing expenditure of funds for capital maintenance; and providing an effective date.

HB 3471 – By Jordan, Condit, Young, Lowe and Montgomery of the House and Pittman and Matthews of the Senate.

An Act relating to Juneteenth; amending 25 O.S. 2011, Sections 82.1, as amended by Section 96, Chapter 304, O.S.L. 2012 and 82.2 (25 O.S. Supp. 2017, Section 82.1), which relate to holidays; adding Juneteenth as state holiday; removing Juneteenth from designated holiday list; amending 70 O.S. 2011, Section 11-103.6b, which relates to diversity of social studies core curriculum; requiring inclusion of information about Juneteenth in social studies curriculum; defining term; and providing an effective date.

HB 3473 – By Jordan, Babinec, Baker, Bennett (Forrest), Bennett (John), Biggs, Blancett, Boles, Brumbaugh, Bush, Caldwell, Calvey, Cannaday, Casey, Cleveland, Cockroft, Condit, Coody, Derby, Dollens, Downing, Dunlap, Dunnington, Echols, Enns, Faught, Fetgatter, Ford (Roger), Ford (Ross), Fourkiller, Frix, Gaddis, Gann, Goodwin, Griffith, Hall, Hardin, Henke, Hilbert, Hoskin, Humphrey, Inman, Kannady, Kerbs, Kirby, Kouplun, Lawson, Lepak, Loring, Lowe, Martin, Martinez, McBride, McCall, McDaniel, McDugle, McEachin, McEntire, Meredith, Montgomery, Moore, Mulready, Munson, Murdock, Murphey, Newell, Newton, Nichols, Nollan, ODonnell, Ortega, Osborn (Leslie), Osburn (Mike), Ownbey, Park, Perryman, Pfeiffer, Proctor, Renegar, Ritze, Roberts (Dustin), Roberts (Sean), Rogers, Rosecrants, Russ, Sanders, Sears, Stone, Strohm, Tadlock, Taylor, Teague, Thomsen, Vaughan, Virgin, Walke, Wallace, Watson, West (Josh), West (Kevin), West (Rick), West (Tammy), Williams, Worthen, Wright and Young.

An Act relating to definitions and general provisions; designating the official inspirational song for the State of Oklahoma; repealing 25 O.S. 2011, Section 155, which prohibits printing or lettering on the flags of the United States of America; providing for codification; and providing an effective date.

HB 3540 – By Caldwell of the House and Stanislawski of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 5-135.4, as amended by Section 1, Chapter 133, O.S.L. 2017 (70 O.S. Supp. 2017, Section 5-135.4), which relates to the School District Transparency Act; modifying date that expenditure data must be placed on State Department of Education's website; directing additional data to be included on State Department of Education website; requiring link from district website to Department website by a certain date in certain cases; providing for listing of information on district website in certain cases; mandating Department inform certain groups about availability of data annually; and providing an effective date.

HB 3557 – By Lawson, West (Tammy) and Baker of the House and Pugh of the Senate.

An Act relating to poor persons; amending 56 O.S. 2011, Section 230.64, which relates to case management services for assistance recipients; providing contingency for available state funding; directing Department of Human Services to explore and recommend methods for certain contracts with case management vendors; and providing an effective date.

HB 3582 – By McCall and Lawson of the House and Yen of the Senate.

An Act relating to poor persons; amending 56 O.S. 2011, Section 1017.3, which relates to eligibility for the Advantage Waiver Program; providing that certain determination be made by the Oklahoma Health Care Authority; and providing an effective date.

HB 3594 – By McCall of the House and Dugger of the Senate.

[public finance - reports of income and disbursements - effective date]

HB 3595 – By McCall of the House and Paxton of the Senate.

[public finance - Agency Performance and Accountability Commission - effective date]

HB 3603 – By Lepak, McCall and Cockroft of the House and Treat of the Senate.

An Act relating to the Oklahoma Tourism and Recreation Department; amending 74 O.S. 2011, Sections 2203, 2204 and 2206, which relate to the Oklahoma Tourism and Recreation Commission; making Commission an advisory body; transferring duties to the Executive Director; modifying powers and duties of Commission; authorizing Governor to appoint Executive Director; providing for determination of compensation; and providing an effective date.

HB 3676 – By Calvey and Bennett (John) of the House and Griffin of the Senate.

[public health and safety - State Department of Health - effective date]

HJR 1043 – By Lepak of the House and Bergstrom of the Senate.

A Joint Resolution relating to an Article V Convention for proposing amendments to the United States Constitution and a gathering of the states in preparation for an Article V Convention; authorizing a delegation of commissioners from this state to attend and participate in gatherings of the states; stating purpose; providing for selection and composition of the delegation; providing that the delegation shall be bound by the rules established for the gathering of states; providing that the delegation to the convention of states shall also serve as commissioners to the Article V Convention for proposing amendments to the United States Constitution when called; providing for selection of alternates; prohibiting commissioners to the Article V Convention from voting for

unauthorized amendments; providing for replacement of commissioners who violate the prohibition; providing for voting; requiring the taking of an oath; establishing an Article V Convention Committee; providing composition and duties; requiring commissioner to adhere to certain principles; providing termination date; and directing filing and distribution.

HJR 1050 – By Fetgatter and Wright of the House and David and Yen of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 33 of Article V of the Constitution of the State of Oklahoma; modifying voting requirement with respect to revenue measure; providing ballot title; and directing filing.

The above-numbered measures were read the first time.

Senator Treat moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, March 20, 2018, at 1:30 p.m., which motion prevailed.

FIRST READING

The following was introduced and read the first time:

SR 25 – By Schulz.

A Resolution congratulating Senator Ron Sharp for being inducted into the Oklahoma Tennis Coaches Hall of Fame; commending his career; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

HB 1340 - Coauthored by Senator Pemberton

HB 1499 - Remove as author Senator Dugger; authored by Senator Murdock
Coauthored by Senator Dugger

HB 2713 - Coauthored by Representative Roberts (Sean)

HB 2918 - Coauthored by Representative Roberts (Sean)

HB 2943 - Coauthored by Representative Gann

Coauthored by Representative Murphey

Coauthored by Representative Hilbert

HB 3011 - Coauthored by Representative Murphey

HB 3353 - Coauthored by Representative Hilbert

HB 3693 - Coauthored by Representative Roberts (Sean)

HJR 1050 - Coauthored by Senator Yen

Pursuant to the Treat motion, the Senate adjourned at 1:50 p.m. to meet Tuesday, March 20, 2018, at 1:50 p.m.