

Senate Journal

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

Eighth Legislative Day, Thursday, February 13, 2014

The Senate was called to order by Senator Fields.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branam, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.—
48.

Senator Fields declared a quorum present.

The prayer was offered by Pastor Steven Lester, Tulsa, Central Church of the Nazarene, the guest of Senator Dahm.

CHANGE IN COMMITTEE ASSIGNMENTS

The following bills will be reassigned as follows:

SB 1245 – Withdrawn from Appropriations Committee and referred to Finance
SB 1601 – Withdrawn from Rules Committee and referred to Public Safety

EXECUTIVE NOMINATIONS

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

Burgess, Billy, Lawton, as a member of the Board of Regents of the University of Oklahoma - Education

Love, E. Gene, Lawton, as a member of the Oklahoma Turnpike Authority - Transportation

GENERAL ORDER

SB 1397 by Justice of the Senate and Armes of the House was called up for consideration.

Senator Justice moved that **SB 1397** be advanced, which motion was declared adopted.

THIRD READING

SB 1397 was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Bingman, David, Ivester, Marlatt and Mazzei.--5.

The bill and emergency passed.

SB 1397 was referred for engrossment.

GENERAL ORDER

SB 1622 by Simpson and Johnson (Constance) of the Senate and Ownbey of the House was called up for consideration.

Senator Sykes moved to amend **SB 1622**, Page 1, Line 11 ½, by inserting a new Section 1, amending 47 O.S. Supp. 2013, Section 1135.2, and by renumbering subsequent sections, which amendment was declared adopted. (Copies were provided to all Senators)

Senator Simpson moved that **SB 1622** be advanced, which motion was declared adopted.

THIRD READING

SB 1622 was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Bingman, David, Ivester, Marlatt and Mazzei.--5.

The bill passed.

SB 1622 was referred for engrossment.

GENERAL ORDER

SB 1624 by Simpson of the Senate and Hardin of the House was called up for consideration.

Senator Simpson asked that **SB 1624** be laid over for this legislative day, which was the order.

SB 1624 remains on General Order.

GENERAL ORDER

SB 1721 by Jolley et al of the Senate and Thomsen of the House was called up for consideration.

Senator Jolley moved to amend **SB 1721**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Jolley moved that **SB 1721** be advanced, which motion was declared adopted.

THIRD READING

SB 1721 was read for the third time at length.

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

Aye: Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brooks, Burrage, Coates, Crain, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Treat and Wyrick.--35.

Nay: Aldridge, Allen, Boggs, Brown, Dahm, Shortey, Stanislawski and Sykes.--8.

Excused: Bingman, David, Ivester, Marlatt and Mazzei.--5.

The bill and emergency passed.

SB 1721 was referred for engrossment.

GENERAL ORDER

SB 1722 by Jolley of the Senate and McNeil of the House was called up for consideration.

Senator Jolley moved to amend **SB 1722**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Jolley moved that **SB 1722** be advanced, which motion was declared adopted.

THIRD READING

SB 1722 was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Bingman, David, Ivester, Marlatt and Mazzei.--5.

The bill passed.

SB 1722 was referred for engrossment.

GENERAL ORDER

SB 1723 by Jolley of the Senate and Banz of the House was called up for consideration.

Senator Jolley moved to amend **SB 1723**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Jolley moved that **SB 1723** be advanced, which motion was declared adopted.

THIRD READING

SB 1723 was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Bingman, David, Ivester, Marlatt and Mazzei.--5.

The bill passed.

SB 1723 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2319, 2334, 2372, 2380, 2611, 2860, 2908, 2909, 2912** and **3052**.

HB 2319 – By Cleveland of the House and Shortey of the Senate.

An Act relating to railroads; repealing 66 O.S. 2011, Sections 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268 and 269, which relate to required train caboose amenities; and providing an effective date.

HB 2334 – By Biggs and Sherrer of the House and Brooks of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 843.5, which relates to child abuse; deleting statutory reference; defining terms; updating statutory

citation; providing clarification of certain acts which are not prohibited; and declaring an emergency.

HB 2372 – By Trebilcock, Turner, Sherrer, Kern and Shelton of the House and Loveless of the Senate.

An Act relating to labor; prohibiting employer from requesting or requiring access to social media account of certain employees; prohibiting an employer from taking retaliatory personnel action for failure to provide access to social media account; authorizing civil actions for violations; providing for recovery of attorney fees and court costs; defining terms; providing for codification; and providing an effective date.

HB 2380 – By Cooksey of the House and Paddock of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2011, Section 858-303, as amended by Section 2, Chapter 173, O.S.L. 2013 (59 O.S. Supp. 2013, Section 858-303), which relates to the Oklahoma Real Estate License Code; modifying education requirement; and providing an effective date.

HB 2611 – By McDaniel (Randy) of the House and Brinkley of the Senate.

An Act relating to public retirement systems; amending 70 O.S. 2011, Section 17-101, as amended by Section 1, Chapter 101, O.S.L. 2013 (70 O.S. Supp. 2013, Section 17-101), which relates to the Teachers' Retirement System of Oklahoma; modifying definition of regular annual compensation; and providing an effective date.

HB 2860 – By Sherrer of the House and Ivester of the Senate.

An Act relating to wills and succession; amending 84 O.S. 2011, Section 257, which relates to determining succession or heirship; modifying procedure; updating language; and providing an effective date.

HB 2908 – By Brumbaugh of the House and Holt of the Senate.

An Act relating to public finance; amending 62 O.S. 2011, Section 34.36, as last amended by Section 2, Chapter 237, O.S.L. 2013 (62 O.S. Supp. 2013, Section 34.36), which relates to estimate of needs; modifying provisions related to shared services; requiring report; modifying duties imposed upon Office of Management and Enterprise Services; defining term; providing an effective date; and declaring an emergency.

HB 2909 – By Brumbaugh of the House and Brecheen of the Senate.

An Act relating to state government; amending 74 O.S. 2011, Section 85.58A, as last amended by Section 32, Chapter 254, O.S.L. 2013 (74 O.S. Supp. 2013, Section 85.58A), which relates to the Office of Management and Enterprise Services; modifying comprehensive professional risk management program; and providing an effective date.

HB 2912 – By Brumbaugh of the House and David of the Senate.

An Act relating to state government; amending 74 O.S. 2011, Section 840-2.14, as amended by Section 875, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2013, Section 840-2.14), which relates to the management of costs of human resources; removing certain reporting requirements for certain entities; and providing an effective date.

HB 3052 – By Smalley of the House and Griffin of the Senate.

An Act relating to public finance; amending 62 O.S. 2011, Section 34.11, as amended by Section 341, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2013, Section 34.11), which relates to the duties and functions of the Division of Central Accounting and Reporting; modifying provision related to duties with respect to state agencies; providing for exemption; modifying provisions related to certain payments; providing an effective date; and declaring an emergency.

The above-numbered measures were read the first time.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Schulz, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

HB 1623 – McAffrey, Crain, Griffin, David, Garrison, Ballenger

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, February 17, 2014, at 1:30 p.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

SB 1438 – Business and Commerce

Ayes: Anderson, Coates, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 1443 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

SB 1510 – Energy

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Justice, Paddock, Simpson, Standridge, Treat

SB 1678 – Business and Commerce

Ayes: Coates, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 1698 – Business and Commerce

Ayes: Anderson, Coates, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 1941 – Business and Commerce

Ayes: Anderson, Coates, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 2025 – Insurance

Ayes: Aldridge, Allen, Brooks, Brown, Loveless, Sparks, Stanislawski

SB 2026 – Insurance

Ayes: Aldridge, Allen, Brooks, Loveless, Sparks, Stanislawski

DO PASS, As Amended:

CS for SB 1195 – Energy, coauthored by Armes

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Justice, Paddack, Schulz, Simpson, Standridge, Treat, Wyrick

CS for SB 1364 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

CS for SB 1369 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

SB 1400 – Business and Commerce

Ayes: Anderson, Coates, Crain, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 1401 – Business and Commerce

Ayes: Anderson, Coates, Crain, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 1402 – Business and Commerce

Ayes: Anderson, Coates, Crain, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 1403 – Business and Commerce

Ayes: Anderson, Coates, Crain, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 1431 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

SB 1542 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

CS for SB 1559 – Energy

Ayes: Bingman, Branan, Brinkley, Griffin, Halligan, Ivester, Johnson (Rob), Paddack, Simpson, Standridge, Treat, Wyrick

Nays: Johnson (Constance), Justice

CS for SB 1703 – Business and Commerce, coauthored by McCall, Smalley, Turner

Ayes: Anderson, Coates, Crain, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

CS for SB 1809 – Business and Commerce

Ayes: Anderson, Coates, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

CS for SB 1858 – Insurance

Ayes: Aldridge, Allen, Brooks, Brown, Loveless, Sparks, Stanislawski

SB 1903 – Energy

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Justice, Paddack, Simpson, Standridge, Treat

CS for SB 2045 – Insurance

Ayes: Aldridge, Allen, Brooks, Brown, Loveless, Sparks, Stanislawski

SB 2079 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

SB 2114 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

COMMITTEE REPORTS

The following were reported by the committees named and referred to a second committee:

DO PASS:

SB 1332 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

SB 1474 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

SB 2071 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

DO PASS, As Amended:

SB 1430 – Energy

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Justice, Paddack, Schulz, Simpson, Standridge, Treat

SB 1433 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

SB 1539 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

CS for SB 1668 – Business and Commerce

Ayes: Anderson, Coates, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes
Nays: Dahm

SB 1680 – Business and Commerce

Ayes: Anderson, Coates, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

CS for SB 1715 – Business and Commerce

Ayes: Anderson, Coates, Crain, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

CS for SB 1716 – Business and Commerce

Ayes: Anderson, Coates, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 1720 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

SB 1807 – Business and Commerce, coauthored by Mulready (principal House author)

Ayes: Coates, Dahm, Ellis, Ford, Garrison, Newberry, Sharp, Shumate, Sykes
Nays: Anderson

SB 2084 – Public Safety

Ayes: Ballenger, Barrington, Boggs, Holt, Shaw, Shortey

FAILED:

SB 1589 – Business and Commerce

Ayes: Newberry, Sykes

Nays: Anderson, Coates, Dahm, Ellis, Ford, Garrison, Sharp, Shumate

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

- SB 212** - Coauthored by McDaniel (Randy) (principal House author)
- SB 1159** - Coauthored by David, Simpson
Coauthored by McDaniel (Curtis), Perryman
- SB 1183** - Remove as author Senator Justice; authored by Standridge
- SB 1195** - Coauthored by Armes
- SB 1219** - Coauthored by Derby (principal House author)
- SB 1336** - Coauthored by Fields
- SB 1430** - Coauthored by Fields
- SB 1438** - Coauthored by Echols (principal House author)
- SB 1565** - Remove as author Senator Ballenger; authored by Shortey
- SB 1601** - Coauthored by McNeil (principal House author)
- SB 1703** - Coauthored by McCall, Smalley, Turner
- SB 1711** - Coauthored by Sanders (principal House author)
Remove as author Senator Bingman; authored by Standridge
- SB 1799** - Coauthored by Echols (principal House author)
- SB 1807** - Coauthored by Mulready (principal House author)
- SB 1828** - Coauthored by Nelson (principal House author)
- SB 1903** - Coauthored by Casey (principal House author)
- SB 1941** - Coauthored by Derby (principal House author)
- SB 1989** - Coauthored by Johnson (principal House author)
- SB 1994** - Coauthored by Echols (principal House author)
- SB 2044** - Coauthored by Johnson (Constance), Sparks, Paddack, Shumate
- SB 2055** - Coauthored by Ortega (principal House author)
- SB 2119** - Coauthored by Turner (principal House author)
- HB 2190** - Remove as author Senator Holt; authored by Griffin
- HB 2372** - Coauthored by Shelton, Bennett

Pursuant to the Schulz motion, the Senate adjourned at 10:20 a.m. to meet Monday, February 17, 2014, at 1:30 p.m.