

# Senate Journal

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

Tenth Legislative Day, Tuesday, February 18, 2014

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, 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, Standridge, Stanislawski, Sykes, Treat and Wyrick.—46.

Excused: Brinkley and Sparks.—2.

Senator Sykes declared a quorum present.

The prayer was offered by Pastor David Player, First United Methodist Church, Altus, the guest of Senator Schulz.

### REPORT OF ENGROSSED AND ENROLLED MEASURE

**SB 1265** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### INTRODUCTIONS

Senator Newberry introduced his wife, Laura, and their children Claire, Paige, Eva and Alex; and Senator Burrage introduced his son, Carter, and his friend Bo Mallett, to the Senate.

**CHANGE IN COMMITTEE ASSIGNMENTS**

The following bills will be reassigned as follows:

**SB 293** – Withdrawn from Energy and Appropriations Committees and referred to Appropriations

**SB 1183** – Withdrawn from Rules Committee and referred to Health and Human Services

**SB 1218** – Withdrawn from Rules Committee and referred to Health and Human Services

**SB 1418** – Withdrawn from Rules Committee and referred Energy

**SB 1458** – Withdrawn from Transportation and Appropriations Committees and referred to Transportation

**SB 1565** – Withdrawn from Rules Committee and referred to Business and Commerce

**SB 1590** – Withdrawn from Rules Committee and referred to Agriculture and Rural Development

**SB 1636** – Withdrawn from Rules Committee and referred to Veterans and Military Affairs

**SB 1648** – Withdrawn from Rules Committee and referred to General Government

**SB 1651** – Withdrawn from Rules Committee and referred to Appropriations

**SB 1677** – Withdrawn from Rules Committee and referred to Insurance

**SB 1799** – Withdrawn from Rules Committee and referred to Business and Commerce

**SB 1826** – Withdrawn from Rules Committee and referred to Public Safety

**SB 1873** – Withdrawn from Rules Committee and referred to Insurance

**SB 1874** – Withdrawn from Rules Committee and referred to Insurance

**SB 1990** – Withdrawn from Rules Committee and referred to Energy

**DEDICATIONS**

Former Senator Charles Ford presented the painting “Wichita Mountains” by artist Oscar Jacobson. Senator Ford introduced R.L. Rollins and his family, who presented the painting to the Senate as a gift. Mr. Rollins addressed the Senate.

Former Senator Charles Ford presented the painting “Three Forks on the Arkansas River”. Senator Ford introduced the artist, Wayne Cooper, who addressed the Senate. Senator Ford introduced Clayton C. Taylor and his family, who presented the painting as a gift to the Senate. Clayton C. Taylor addressed the Senate.

**GENERAL ORDER**

**SB 1738** by Crain of the Senate and Schwartz of the House was called up for consideration.

Senator Crain moved that **SB 1738** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1738** 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, Bingman, Boggs, Branam, Brecheen, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Standridge, Stanislawski, Sykes and Treat.--43.

Excused: Brinkley, Jolley, Shumate, Sparks and Wyrick.--5.

The bill passed.

**SB 1738** was referred for engrossment.

**GENERAL ORDER**

**SB 1739** by Crain of the Senate and Biggs of the House was called up for consideration.

Senator Crain moved that **SB 1739** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1739** 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, Bingman, Boggs, Branam, Brecheen, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Brinkley, Jolley, Shumate and Sparks.--4.

The bill passed.

**SB 1739** was referred for engrossment.

**GENERAL ORDER**

**SB 1536** by Crain et al of the Senate and Wright of the House was called up for consideration.

Senator Crain moved to amend **SB 1536**, Page 1, by striking the title, which amendment was declared adopted.

Senator Crain moved that **SB 1536** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1536** 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, Barrington, Bingman, Boggs, Branan, Brooks, Brown, Coates, Crain, David, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Loveless, Marlatt, McAffrey, Schulz, Sharp, Shaw, Shortey, Simpson, Standridge, Stanislawski, Sykes and Treat.--33.

Nay: Ballenger, Bass, Brecheen, Burrage, Dahm, Ellis, Johnson (C), Mazzei, Newberry, Paddack and Wyrick.--11.

Excused: Brinkley, Jolley, Shumate and Sparks.--4.

The bill passed.

**SB 1536** was referred for engrossment.

**GENERAL ORDER**

**SB 1329** by Sharp of the Senate and Cockroft of the House was called up for consideration.

Senator Sharp asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **SB 1329**.

Senator Sharp moved to amend **SB 1329**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Sharp moved that **SB 1329** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1329** 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, Bingman, Boggs, Branan, Brecheen, Brooks, Brown, Burrage, Coates, Crain, Dahm, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Standridge, Stanislawski, Sykes, Treat and Wyrick.--42.

Excused: Brinkley, David, Jolley, McAffrey, Shumate and Sparks.--6.

The bill passed.

**SB 1329** was referred for engrossment.

### **EXECUTIVE NOMINATIONS**

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

Combs, Rita A., Bixby, as a member of the Board of Trustees for Langston University - Oklahoma City and Langston University - Tulsa - Education

May, Stan, Broken Arrow, as a member of the State Fire Marshal Commission - General Government

Washington, Loise B., McAlester, as a member of the Board of Regents of Eastern Oklahoma State College - Education

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 2320, 2354, 2356, 2378, 2405, 2495, 2496, 2499** and **2587**.

**HB 2320** – By Cleveland of the House and Shortey of the Senate.

An Act relating to railroads; repealing 66 O.S. 2011, Section 99, which relates to railroad station naming prohibitions; and providing an effective date.

**HB 2354** – By Cleveland of the House and Shortey of the Senate.

An Act relating to schools; repealing 70 O.S. 2011, Sections 4-105, 4-106 and 4-107, which relate to the office of county superintendent of schools; and providing an effective date.

**HB 2356** – By Cleveland of the House and Shortey of the Senate.

An Act relating to schools; repealing 70 O.S. 2011, Section 1210.551a, which relates to the Oklahoma School Deregulation Committee; and providing an effective date.

**HB 2378** – By Grau of the House and Wyrick of the Senate.

An Act relating to environment and natural resources; amending 27A O.S. 2011, Section 2-7-123, which relates to the Oklahoma Hazardous Waste Management Act; modifying notice requirements for certain actions; eliminating liability for persons conducting certain approved projects; providing requirements for project plans; providing exceptions; and providing an effective date.

**HB 2405** – By Grau of the House and Holt of the Senate.

An Act relating to The Governmental Tort Claims Act; amending 51 O.S. 2011, Sections 152 and 153, which relate to The Governmental Tort Claims Act; modifying definition; modifying scope of liability; and declaring an emergency.

**HB 2495** – By Casey, Hardin, Cannaday, Sherrer and Hoskin of the House and Fields of the Senate.

An Act relating to corporations; amending 18 O.S. 2011, Section 593, which relates to certain fire department fees; authorizing certain fire departments to establish fee schedule for services in response to an emergency; and providing an effective date.

**HB 2496** – By Casey, Kern, Coody and Lockhart of the House and Ford of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1280.1, as last amended by Section 2, Chapter 344, O.S.L. 2013 (21 O.S. Supp. 2013, Section 1280.1), which relates to the possession of firearms on school property; adding exception to certain prohibited act; and providing an effective date.

**HB 2499** – By Casey of the House and Ford of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 5-135, which relates to the system of accounting for school districts; deleting certain limitation on information required to be on warrants or checks; providing an effective date; and declaring an emergency.

**HB 2587** – By Ownbey, Bennett and Pittman of the House and Standridge of the Senate.

An Act relating to food stamps; amending 56 O.S. 2011, Section 243, as amended by Section 1, Chapter 223, O.S.L. 2013 (56 O.S. Supp. 2013, Section 243), which relates to food stamp fraud; modifying definition; and providing an effective date.

The above-numbered measures were read the first time.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 19, 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 1475** – Judiciary

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

**SB 1477** – Transportation

Ayes: Barrington, Bass, Brooks, Loveless, Marlatt, Newberry, Paddack, Shaw, Shortey, Standridge, Stanislawski

**SB 1503** – Judiciary, coauthored by Grau (principal House author)

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

**SB 1524** – Transportation

Ayes: Barrington, Bass, Brooks, Loveless, Marlatt, Newberry, Paddack, Shaw, Shortey, Standridge, Stanislawski

**SB 1775** – Judiciary

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

**SB 1784** – Judiciary

Ayes: Allen, Anderson, Crain, Griffin, Ivester, Johnson (Rob), Sykes

**SB 1875** – Judiciary

Ayes: Anderson, Griffin, Holt, Ivester, Shumate, Sykes

Nays: Allen, Crain

**SB 1905** – Judiciary

Ayes: Allen, Anderson, Crain, Griffin, Holt, Johnson (Rob), Sykes

Nays: Ivester, Shumate

**SB 1907** – Judiciary

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

**SB 1993** – Judiciary

Ayes: Allen, Griffin, Holt, Johnson (Rob), Shumate, Sykes

Nays: Anderson, Crain, Ivester

**SB 2046** – Judiciary

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

DO PASS, As Amended:

**SB 862** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), McAffrey, Simpson, Treat

Nays: Mazzei

**SB 1140** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson, Treat

**SB 1148** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Mazzei, McAffrey, Simpson, Treat

**SB 1149** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson, Treat

**SB 1170** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson, Treat

**CS for SB 1174** – Transportation

Ayes: Brooks, Loveless, Marlatt, Newberry, Shaw, Standridge, Stanislawski

Nays: Bass

**CS for SB 1225** – Finance

Ayes: Dahm, David, Ford, Halligan, Mazzei, Treat

Nays: Aldridge, Johnson (Constance), Simpson

**SB 1226** – Finance

Ayes: Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, Simpson, Treat

Nays: Aldridge, McAffrey

**SB 1245** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, Simpson, Treat

**CS for SB 1246** – Finance, coauthored by Osborn (principal House author)

Ayes: Aldridge, Dahm, David, Ford, Johnson (Constance), Mazzei, Simpson, Treat

Nays: Halligan, McAffrey



**CS for SB 1341** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson, Treat

**SB 1432** – Judiciary, coauthored by Ivester

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

**SB 1448** – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

Nays: Crain

**CS for SB 1458** – Transportation

Ayes: Barrington, Brooks, Loveless, Marlatt, Newberry, Shortey, Standridge, Stanislawski

Nays: Bass, Paddack, Shaw

**SB 1497** – Judiciary

Ayes: Crain, Griffin, Holt, Ivester, Shumate, Sykes

Nays: Allen, Anderson, Johnson (Rob)

**CS for SB 1514** – Transportation

Ayes: Barrington, Bass, Brooks, Loveless, Marlatt, Newberry, Paddack, Shaw, Shortey, Standridge, Stanislawski

**SB 1516** – Transportation

Ayes: Barrington, Bass, Brooks, Loveless, Marlatt, Newberry, Paddack, Shaw, Shortey, Stanislawski

**CS for SB 1523** – Transportation

Ayes: Barrington, Bass, Brooks, Loveless, Marlatt, Newberry, Paddack, Shaw, Shortey, Standridge, Stanislawski

**SB 1538** – Judiciary, coauthored by Ivester

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

**SB 1618** – Judiciary

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

**SB 1621** – Finance, coauthored by Johnson (Constance)

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson, Treat

**CS for SB 1629** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, Simpson, Treat

**SB 1631** – Finance

Ayes: Aldridge, Dahm, David, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson, Treat  
Nays: Ford

**CS for SB 1639** – Finance, coauthored by Hall (principal House author)

Ayes: Aldridge, David, Ford, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson, Treat  
Nays: Dahm

**SB 1687** – Judiciary

Ayes: Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes  
Nays: Allen

**CS for SB 1711** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson, Treat

**SB 1779** – Judiciary

Ayes: Allen, Anderson, Crain, Griffin, Ivester, Johnson (Rob), Sykes

**SB 1869** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson, Treat

**CS for SB 1892** – Finance

Ayes: Aldridge, David, Ford, Johnson (Constance), Mazzei, McAffrey  
Nays: Dahm, Halligan, Simpson, Treat

**CS for SB 1948** – Judiciary

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

**CS for SB 1959** – Tourism and Wildlife

Ayes: Boggs, Brecheen, Brown, Coates, Ellis, Garrison, Justice, Sharp, Wyrick  
Nays: Fields

**CS for SB 2007** – Finance

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson, Treat

**CS for SB 2011** – Finance, coauthored by Trebilcock (principal House author)

Ayes: Aldridge, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, McAffrey, Simpson

**SB 2019** – Tourism and Wildlife

Ayes: Boggs, Brecheen, Brown, Coates, Ellis, Fields

Nays: Garrison, Justice, Sharp, Wyrick

**CS for SB 2088** – Judiciary, coauthored by Nollan (principal House author)

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

**CS for SB 2089** – Judiciary

Ayes: Allen, Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 1246** - Coauthored by Osborn (principal House author)

**SB 1389** - Coauthored by Schwartz (principal House author)

**SB 1432** - Coauthored by Ivester

**SB 1503** - Coauthored by Grau (principal House author)

**SB 1514** - Coauthored by McNeil (principal House author)

**SB 1536** - Coauthored by Allen

**SB 1538** - Coauthored by Ivester

**SB 1621** - Coauthored by Johnson (Constance)

**SB 1639** - Coauthored by Hall (principal House author)

**SB 1651** - Coauthored by Dank (principal House author)

Coauthored by Loveless

**SB 1693** - Coauthored by Russ (principal House author)

**SB 1775** - Coauthored by Stiles (principal House author)

**SB 1848** - Coauthored by Christian

**SB 1885** - Remove as author Senator Bingman; authored by Griffin

**SB 1907** - Coauthored by Biggs (principal House author)

**SB 2011** - Coauthored by Trebilcock (principal House author)

**SB 2019** - Coauthored by Bennett (principal House author)

**SB 2052** - Coauthored by Murphey (principal House author)

**SB 2080** - Coauthored by Echols (principal House author)

**SB 2088** - Coauthored by Nollan (principal House author)

**SJR 65** - Coauthored by Johnson (principal House author)

**HB 2496** - Coauthored by Lockhart

**HB 2587** - Coauthored by Pittman

Pursuant to the Schulz motion, the Senate adjourned at 2:45 p.m. to meet Wednesday, February 19, 2014, at 1:30 p.m.