

# Senate Journal

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

Sixteenth Legislative Day, Thursday, February 27, 2014

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: Aldridge, Allen, Anderson, Barrington, Bingman, Boggs, Branan, 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, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and.—44.

Excused: Ballenger, Bass, Shortey and Wyrick.—4.

Senator Stanislawski declared a quorum present.

The prayer was offered by Scott Newton, North Fork Baptist Church, Eufaula, the guest of Senator Brown.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 212, 1148, 1149, 1170, 1195, 1199, 1226, 1295, 1398, 1400, 1401, 1402, 1403, 1421, 1523, 1600, 1621, 1687, 1836, 1941 and 2089** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**SR 47** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### INTRODUCTION

Senator Brown introduced his son and daughter-in-law, Gary and Cara Lee Brown, to the Senate.

**GENERAL ORDER**

**SB 1477** by Griffin and Shortey of the Senate and Casey of the House was called up for consideration.

Senator Griffin moved that **SB 1477** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1477** was read for the third time at length.

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

Aye: Aldridge, Allen, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Standridge, Stanislawski, Sykes and Treat.--38.

Excused: Anderson, Ballenger, Barrington, Bass, Coates, Ivester, Mazzei, Shortey, Sparks and Wyrick.--10.

The bill passed.

**SB 1477** was referred for engrossment.

**GENERAL ORDER**

**SB 1516** by Griffin and Shortey of the Senate and Casey of the House was called up for consideration.

Senator Griffin moved that **SB 1516** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1516** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--41.

Excused: Ballenger, Barrington, Bass, Ellis, Ivester, Shortey and Wyrick.--7.

The bill passed.

**SB 1516** was referred for engrossment.

### **GENERAL ORDER**

**SB 1246** by Bingman et al of the Senate and Osborn of the House was called up for consideration.

Senator Bingman moved to amend **SB 1246**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Loveless moved to amend the floor substitute to **SB 1246**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Bingman moved that **SB 1246** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1246** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Ford, Griffin, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Schulz, Sharp, Shaw, Simpson, Standridge, Stanislawski, Sykes and Treat.--32.

Nay: Burrage, Coates, Ellis, Garrison, Halligan, Johnson (C), McAffrey, Paddack, Shumate and Sparks.--10.

Excused: Ballenger, Barrington, Bass, Ivester, Shortey and Wyrick.--6.

The bill passed.

**SB 1246** was referred for engrossment.

### **GENERAL ORDER**

**SB 1959** by Burrage and Ellis of the Senate and Sherrer of the House was called up for consideration.

Senator Burrage moved that **SB 1959** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1959** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--40.

Excused: Ballenger, Barrington, Bass, Garrison, Ivester, McAffrey, Shortey and Wyrick.--8.

The bill passed.

**SB 1959** was referred for engrossment.

### **GENERAL ORDER**

**SB 1766** by Sykes of the Senate and Echols of the House was called up for consideration.

Senator Sykes moved to amend **SB 1766**, Page 1, by striking the title, which amendment was declared adopted.

Senator Sykes moved that **SB 1766** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1766** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--39.

Excused: Ballenger, Barrington, Bass, Ellis, Garrison, Ivester, McAffrey, Shortey and Wyrick.--9.

The bill passed.

**SB 1766** was referred for engrossment.

### **GENERAL ORDER**

**SB 1768** by Sykes of the Senate and McBride of the House was called up for consideration.

Senator Sykes moved that **SB 1768** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1768** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--40.

Excused: Ballenger, Barrington, Bass, Garrison, Ivester, McAffrey, Shortey and Wyrick.--8.

The bill passed.

**SB 1768** was referred for engrossment.

### **GENERAL ORDER**

**SB 1893** by Sykes of the Senate and ODonnell of the House was called up for consideration.

Senator Sykes moved that **SB 1893** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1893** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Coates, Crain, Dahm, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Simpson, Standridge, Stanislawski, Sykes and Treat.--35.

Nay: Burrage, Ellis, Johnson (C), Shumate and Sparks.--5.

Excused: Ballenger, Barrington, Bass, Garrison, Ivester, McAffrey, Shortey and Wyrick.--8.

The bill passed.

**SB 1893** was referred for engrossment.

### **GENERAL ORDER**

**SB 1898** by Sykes of the Senate and Peterson of the House was called up for consideration.

Senator Sykes moved that **SB 1898** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1898** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--39.

Excused: Ballenger, Barrington, Bass, Garrison, Ivester, McAffrey, Paddack, Shortey and Wyrick.--9.

The bill passed.

**SB 1898** was referred for engrossment.

**GENERAL ORDER**

**SB 1904** by Sykes and Ivester of the Senate and McDaniel (Randy) of the House was called up for consideration.

Senator Sykes moved that **SB 1904** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1904** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--37.

Nay: Mazzei.--1.

Excused: Ballenger, Barrington, Bass, Garrison, Griffin, Ivester, McAffrey, Paddock, Shortey and Wyrick.--10.

The bill passed.

**SB 1904** was referred for engrossment.

**GENERAL ORDER**

**SB 1905** by Sykes of the Senate and Grau of the House was called up for consideration.

Senator Sykes moved that **SB 1905** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1905** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Schulz, Sharp, Shaw, Simpson, Standridge, Stanislawski, Sykes and Treat.--33.

Nay: Burrage, Johnson (C), Shumate and Sparks.--4.

Excused: Ballenger, Barrington, Bass, Garrison, Griffin, Ivester, Mazzei, McAffrey, Paddack, Shortey and Wyrick.--11.

The bill passed.

**SB 1905** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2344, 2455, 2618, 2730, 2740, 2790, 2921, 2928** and **3346**.

**HB 2344** – By Roberts (Dustin) of the House and Simpson of the Senate.

An Act relating to labor; amending 40 O.S. 2011, Section 141.9 and 141.16, which relate to the Boiler and Pressure Vessel Safety Act; removing certain requirements for inspection agencies; modifying renewal of certificates of competency; removing certain fee; and providing an effective date.

**HB 2455** – By Rousselot and Turner of the House and Loveless of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2011, Section 37-119, which relates to contracts for water; modifying annual review of contract rates; requiring certain entities share costs; authorizing costs for certain capital improvements; and providing an effective date.

**HB 2618** – By Martin (Steve) of the House and Fields of the Senate.

An Act relating to game and fish; prohibiting persons from capturing nuisance wildlife for commercial purposes without a nuisance wildlife control operator permit; requiring completion of the nuisance wildlife control operator certification examination; exempting certain persons from permit and testing requirements; setting the annual fee for the permit; providing penalty for violations; authorizing revocation of permit for violations; providing for codification; and providing an effective date.

**HB 2730** – By Cleveland and Turner of the House and Sharp of the Senate.

An Act relating to schools; creating the Oklahoma Extracurricular Activities Accountability Act; stating purposes of the act; providing definition; prohibiting school districts from being a member of a school athletic association unless certain requirements are met; requiring compliance with the Oklahoma Open Records and Oklahoma Open Meeting Acts; requiring rules, regulations and policies of associations to be in compliance with the Administrative Procedures Act; requiring certain audits; and providing for codification.



**HB 2740** – By McDaniel (Curtis), Henke and Hoskin of the House and Ellis of the Senate.

An Act relating to the Teachers' Retirement System of Oklahoma; amending 70 O.S. 2011, Section 17-106, as amended by Section 606, Chapter 304, O.S.L. 2012 (70 O.S. Supp. 2013, Section 17-106), which relates to the Board of Trustees; modifying membership of Board of Trustees; modifying date reference; providing an effective date; and declaring an emergency.

**HB 2790** – By McCullough of the House and Sykes of the Senate.

An Act relating to probate procedure; amending 58 O.S. 2011, Sections 245 and 246, as amended by Sections 1 and 2, Chapter 144, O.S.L. 2013 (58 O.S. Supp. 2013, Sections 245 and 246), which relate to summary administration; modifying contents of petition; directing court to issue letters without a hearing; barring creditor claims after certain time; modifying timing requirements to coincide with order; expanding timing for final hearing; and declaring an emergency.

**HB 2921** – By Billy, Pittman, Sherrer, Hoskin and Wesselhoft of the House and Stanislawski of the Senate.

An Act relating to schools; recognizing Native American languages as a language art; authorizing the teaching of Native American languages in public schools; allowing Native American language classes to count as certain credit; allowing certain qualified teachers to teach Native American languages; providing for codification; providing an effective date; and declaring an emergency.

**HB 2928** – By Kirby of the House and Sparks of the Senate.

An Act relating to bail bondsmen; amending 59 O.S. 2011, Sections 1309, as last amended by Section 3, Chapter 150, O.S.L. 2013, 1316, as amended by Section 6, Chapter 150, O.S.L. 2013, 1317, as amended by Section 7, Chapter 150, O.S.L. 2013, 1320, as amended by Section 8, Chapter 150, O.S.L. 2013, 1332, as last amended by Section 26, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Sections 1309, 1316, 1317, 1320 and 1332), which relate to licensure of bail bondsmen; modifying date of the annual financial statement; modifying requirement for content of receipt; modifying contents of affidavit; requiring law enforcement to display list of bondsmen in county jail; requiring certain bail bondsmen to be removed from list; modifying definition; and providing an effective date.

**HB 3346** – By Armes of the House and Newberry of the Senate.

An Act relating to consumer credit; prescribing disclosure of information required by certain federal law in credit sales or leases; specifying disclosure of information required by certain federal law in consumer loans; amending 14A O.S. 2011, Section 6-104, which relates to powers and duties; granting power to enforce disclosure requirements of certain federal law; deleting provisions related to rulemaking for disclosure terms; deleting provisions related to updating rules to match certain federal law; repealing 14A O.S. 2011, Sections 2-302 and 3-302, which relate to disclosure requirements; providing for codification; providing an effective date; and declaring an emergency.

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 Monday, March 3, 2014, at 1:30 p.m., which motion prevailed.

#### **CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 1821** - Coauthored by Pittman

**HB 2070** - Coauthored by Kern

Coauthored by Christian

Coauthored by Hamilton

**HB 2685** - Coauthored by Shannon

**HB 2740** - Coauthored by Hoskin

**HB 2921** - Coauthored by Wesselhoft

**HB 3192** - Coauthored by Fields

Pursuant to the Schulz motion, the Senate adjourned at 11:30 a.m. to meet Monday, February 3, 2014, at 1:30 p.m.