

# Senate Journal

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

**Fifty-first Legislative Day, Monday, May 5, 2014**

The Senate was called to order by Senator Brinkley.

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 Brinkley declared a quorum present.

The prayer was offered by Dr. Bryan Haynes, College Heights Baptist Church, Chickasha, the guest of Senator Justice.

### INTRODUCTIONS

Senator Burrage introduced his mother, Aletha Burrage, his aunt, Sissy Hollaway, his uncle, David Burrage and his grandmother, Mattie Burrage, to the Senate.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Paddack asked unanimous consent to refer **SCR 38** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 38** by Paddack of the Senate and Thomsen of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 38**, which was the order.

**SCR 38** was adopted upon motion of Senator Paddack and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1077** were concurred in upon motion of Senator Crain.

**SB 1077**, as amended by the Honorable House, was read 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, Brinkley, Brooks, Brown, Burrage, 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 Wyrick.--46.

Excused: Coates and Shortey.--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 1599** were concurred in upon motion of Senator Crain.

**SB 1599**, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, 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 Wyrick.--45.

Excused: Aldridge, Coates and Shortey.--3.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1719** were concurred in upon motion of Senator Jolley.

**SB 1719**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Treat and Wyrick.--41.

Nay: Allen, Dahm, Mazzei and Sykes.--4.

Excused: Coates, Paddack and Shortey.--3.

The bill passed.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to refer **SCR 42** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 42** by Jolley of the Senate and Cockroft of the House was called up for consideration.

**SCR 42** was adopted upon motion of Senator Jolley and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1698** were concurred in upon motion of Senator Newberry.

**SB 1698**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Brooks, Crain, David, Ford, Griffin, Halligan, Holt, Johnson (C), Justice, Loveless, Mazzei, McAffrey, Newberry, Shaw, Simpson, Standridge and Sykes.--21.

Nay: Allen, Ballenger, Bass, Boggs, Branan, Brecheen, Brinkley, Brown, Burrage, Dahm, Ellis, Fields, Garrison, Ivester, Johnson (R), Marlatt, Schulz, Sharp, Shumate, Sparks, Stanislawski, Treat and Wyrick.--23.

Excused: Coates, Jolley, Paddack and Shortey.--4.

The bill failed.

Pursuant to Rule 12-21, Senator Newberry served notice that the vote be reconsidered whereby **SB 1698** failed.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1940** were concurred in upon motion of Senator Newberry.

**SB 1940**, as amended by the Honorable House, was read 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, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Coates, Johnson (C), Jolley, Paddack and Shortey.--5.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1845** were concurred in upon motion of Senator Treat.

**SB 1845**, as amended by the Honorable House, was read at length.

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

Aye: Ballenger, Barrington, Bass, Boggs, Brecheen, Brinkley, Brooks, Burrage, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Loveless, McAffrey, Schulz, Sharp, Shaw, Shumate, Sparks, Treat and Wyrick.--28.

Nay: Aldridge, Allen, Anderson, Bingman, Branan, Brown, Crain, Dahm, Marlatt, Mazzei, Newberry, Shortey, Simpson, Standridge, Stanislawski and Sykes.--16.

Excused: Coates, Johnson (C), Jolley and Paddack.--4.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1536** were concurred in upon motion of Senator Crain.

**SB 1536**, as amended by the Honorable House, was read 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, Brinkley, Brooks, Brown, Burrage, Crain, David, Ellis, Fields, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Loveless, McAffrey, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--39.

Nay: Dahm, Mazzei and Newberry.--3.

Excused: Coates, Ford, Johnson (C), Jolley, Marlatt and Paddack.--6.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1824** were concurred in upon motion of Senator Brooks.

**SB 1824**, as amended by the Honorable House, was read 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, Brinkley, Brooks, Brown, Burrage, Crain, David, Ellis, Fields, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--41.

Nay: Dahm.--1.

Excused: Coates, Ford, Johnson (C), Jolley, Paddack and Shumate.--6.

The bill passed.

Pursuant to Rule 12-21, Senator Brooks served notice that the vote be reconsidered whereby **SB 1824** passed.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1364** were concurred in upon motion of Senator Griffin.

**SB 1364**, as amended by the Honorable House, was read 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, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--42.

Excused: Coates, Ford, Johnson (C), Jolley, Paddack and Shumate.--6.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1450** were concurred in upon motion of Senator Griffin.

**SB 1450**, as amended by the Honorable House, was read 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, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Coates, Ford, Johnson (C), Jolley and Paddack.--5.

The bill passed.

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

**MOTION TO SUSPEND**

Senator Brooks asked unanimous consent, which was granted, to suspend Senate Rule 12-21 (B) to allow reconsideration on **SB 1824**.

**MOTION TO RECONSIDER VOTE**

Senator Brooks moved to reconsider the vote whereby **SB 1824** passed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Dahm, David, Ellis, Fields, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Loveless, Newberry, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--39.

Excused: Coates, Crain, Ford, Johnson (C), Jolley, Marlatt, Mazzei, McAffrey and Paddack.--9.

**FOURTH READING**

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Loveless, Newberry, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--39.

Excused: Coates, Ford, Johnson (C), Jolley, Marlatt, Mazzei, McAffrey, Paddack and Shumate.--9.

The bill passed.

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



**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 2620** – Treat, Johnson (Rob), Jolley, Branan, Bass, McAffrey

**HB 2667** – Sykes, Griffin, Allen, Branan, Burrage, Ivester

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 2328, 2334, 2527** and **2909**.

The above-numbered enrolled measures were, after fourth reading, properly signed and ordered returned to the Honorable House.

Advising fourth reading of and returning Enrolled **SBs 1239, 1254, 1257, 1515, 1791, 1793, 1929** and **1970**.

The above-numbered enrolled measures were referred to the Governor.

Advising rejection of **SAs** to the following bills, requesting conference and naming House conferees as follows:

**HB 2367** – Conference Committee on General Government

**HB 2541** – Conference Committee on Judiciary

**HB 2614** – Conference Committee on Public Safety

**HB 2688** – Conference Committee on Administrative Rules, Government Oversight and Repealer

**HB 2928** – Conference Committee on Insurance

**HB 2929** – Conference Committee on Insurance

**HB 2931** – Conference Committee on Common Education

**HB 3188** – Conference Committee on Judiciary

**HJR 1092** – GCCA

Advising rejection of **CCRs** to the following bills, requesting further conference and naming same House conferees as follows:

**HB 1516** – Conference Committee on Public Safety

Advising passage of and transmitting for consideration Engrossed **HCR 1028**.

**HCR 1028** – By Shelton, Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplén, Lockhart, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, ODonnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wood and Wright of the House and Johnson (Constance) of the Senate.

A Concurrent Resolution honoring and commending Frances M. Percival for being the longest serving school board member in the history of the State of Oklahoma, for being the longest serving female elected official in the United States and for her many contributions; and directing distribution.

The above-numbered measure was read the first time.

#### **SCs NAMED**

Upon motion of Senator Schulz, Senate conferees were appointed as follows:

**SB 862** – GCCA  
**SB 1141** – GCCA  
**SB 1182** – GCCA  
**SB 1371** – GCCA  
**SB 1505** – GCCA  
**SB 1639** – GCCA  
**SB 1668** – GCCA  
**SB 1675** – GCCA  
**SB 1832** – GCCA  
**SB 1848** – GCCA

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

**HAs** to **SBs** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees appointed as follows:

**SB 1438** – Newberry, Treat, Brinkley, Brecheen, Shumate, Sparks  
**SB 1923** – Newberry, Brown, Sharp, Ford, Shumate, Ellis

**PENDING CONSIDERATION OF HAs**

**HAs to SBs 1462, 1476 and 1702** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Schulz, the request of the Honorable House for conference on **HBs 2363, 2384, 2642, and 3359** was ordered granted and bills referred to GCCA.

**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 1020** – David, Crain, Stanislawski, Holt, Shumate, Ballenger
- HB 2199** – Brecheen, Griffin, Standridge, Brown, Garrison, Shumate
- HB 2312** – Holt, Sykes, Standridge, Loveless, McAffrey, Johnson (Constance)
- HB 2506** – Newberry, Sykes, David, Brecheen, Sparks, Shumate
- HB 2629** – Brinkley, Mazzei, David, Brooks, Ballenger, Ivester
- HB 2630** – Brinkley, Mazzei, David, Brooks, Ballenger, Ivester
- HB 2637** – Loveless, Fields, Holt, Shaw, Bass, Ballenger
- HB 3201** – Treat, Justice, Boggs, Ballenger, Wyrick, Fields
- HB 3282** – Stanislawski, Brown, Standridge, Shumate, David, Sparks
- HB 3360** – Crain, Barrington, Burrage, Ballenger, Allen, Boggs

**SCs NAMED**

Upon motion of Senator Schulz, Senate conferees were appointed as follows:

- SB 1187** – Standridge, Branan, Marlatt, Boggs, Sparks, Ivester
- SB 1265** – Schulz, Barrington, Justice, Fields, Wyrick, Sparks
- SB 1398** – Griffin, Crain, Johnson (Rob), Sparks, Brooks, Ballenger
- SB 1442** – Dahm, Barrington, Ellis, David, Treat, Sparks
- SB 1612** – Sharp, Sykes, Holt, Burrage, Boggs, Shumate
- SB 1654** – Ford, Stanislawski, Halligan, Shaw, Paddack, Garrison
- SB 1704** – Newberry, Treat, Marlatt, Brecheen, Shumate, Sparks
- SB 1808** – Newberry, Sykes, Sharp, Brinkley, Sparks, Ballenger
- SB 1820** – Griffin, Crain, Brooks, Bingman, McAffrey, Burrage
- SB 1828** – Ford, Stanislawski, Halligan, Brooks, Paddack, Garrison

**SB 1851** – Justice, Fields, Shaw, Garrison, Simpson, Wyrick  
**SB 1903** – Griffin, Branan, Bingman, Johnson (Rob), McAffrey, Garrison  
**SB 1914** – Griffin, Sykes, Johnson (Rob), Sharp, McAffrey, Garrison  
**SB 2003** – Shortey, Newberry, Crain, Barrington, Ivester, Shumate  
**SB 2019** – Shortey, Coates, Barrington, Newberry, Ballenger, Paddack  
**SB 2120** – Brinkley, Mazzei, David, Brooks, Ballenger, Ivester

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 6, 2014, at 9:30 a.m., which motion prevailed.

### **COMMITTEE REPORT**

The following was reported by the committee named, ordered printed and placed on the Calendar:

DO PASS, As Amended:

**CS for SB 2126** – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brinkley, Crain, David, Ellis, Fields, Ford, Halligan, Holt, Ivester, Johnson (Rob), Newberry, Standridge, Stanislawski, Sykes, Treat, Justice, Jolley

House:

Ayes: Billy, Coody, Denney, Kern, Martin (Sc), Ownbey, Sears, Watson, Ritze

Nays: Brown, Dorman, Hoskin, McDaniel (J), Morrissette, Proctor, Roberts (S), Sherrer

### **FIRST READING**

The following were introduced and read the first time:

**SR 82** – By Shumate.

A Resolution recognizing the importance of stroke awareness and education; designating May 2014 as Stroke Awareness Month in the State of Oklahoma; and directing distribution.

**SR 83** – By Justice.

A Resolution proclaiming May 8, 2014, as Oklahoma Cooperative Extension Service Day in Oklahoma; and directing distribution.

**SR 84** – By Treat.

A Resolution designating Tuesday, May 6, 2014, as Foster Care Day in Oklahoma; and directing distribution.

**MESSAGES FROM THE HOUSE**

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

- SB 436** - Appropriations and Budget
- SB 862** - GCCA
- SB 1141** - GCCA
- SB 1182** - GCCA
- SB 1265** - Conference Committee on Public Safety
- SB 1371** - Conference Committee on Judiciary
- SB 1442** - Conference Committee on Public Safety
- SB 1499** - Conference Committee on Public Health
- SB 1505** - GCCA
- SB 1654** - Conference Committee on Common Education
- SB 1668** - Conference Committee on Economic Development and Financial Services
- SB 1691** - Conference Committee on Economic Development and Financial Services
- SB 1704** - Conference Committee on General Government
- SB 1808** - Conference Committee on Economic Development and Financial Services
- SB 1828** - Conference Committee on Common Education
- SB 1832** - GCCA
- SB 1848** - Conference Committee on Public Health
- SB 1873** - Conference Committee on Insurance
- SB 1903** - Conference Committee on Utility and Environmental Regulation

Advising further conference granted and naming same House conferees on Engrossed

**SB 387**

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1384, 2375, 2387, 2533, 2669** and **2977**.

**MESSAGES FROM THE GOVERNOR**

Advising her approval May 2, 2014, of Enrolled **SBs 1728** and **1875**.

Pursuant to the Schulz motion, the Senate adjourned at 3:15 p.m. to meet Tuesday, May 6, 2014, at 9:30 a.m.