

# Senate Journal

## First Regular Session of the Fifty-fifth Legislature of the State of Oklahoma

**Fifteenth Legislative Day, Tuesday, February 24, 2015**

The Senate was called to order by Senator David.

Roll Call:

Present: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.—47.

Vacancy: District 11.—1.

Senator David declared a quorum present.

The prayer was offered by Seth Swindall, Victory Life Church, Atoka, the guest of Senator Brecheen.

### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SBs 42, 57, 134, 267, 352, 455 and 820** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### **INTRODUCTION**

Senator Griffin introduced her daughter, Alexandra, to the Senate.

**GENERAL ORDER**

**SB 415** by Brinkley of the Senate and McDaniel (Randy) of the House was called up for consideration.

Senator Brinkley moved that **SB 415** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 415** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Jech, Jolley, Justice, Loveless, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--43.

Excused: Holt, Marlatt, Shortey and Standridge.--4.

Vacancy: District 11.--1.

The bill passed.

**SB 415** was referred for engrossment.

**GENERAL ORDER**

**SB 462** by Brinkley of the Senate and McDaniel (Randy) of the House was called up for consideration.

Senator Brinkley moved that **SB 462** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 462** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Quinn, Schulz, Sharp,

Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--45.

Excused: Holt and Pittman.--2.

Vacancy: District 11.--1.

The bill passed.

**SB 462** was referred for engrossment.

### **GENERAL ORDER**

**SB 164** by Stanislawski of the Senate and Vaughan of the House was called up for consideration.

Senator Stanislawski moved that **SB 164** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 164** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--47.

Vacancy: District 11.--1.

The bill passed.

**SB 164** was referred for engrossment.

### **GENERAL ORDER**

**SB 229** by Justice of the Senate and Enns of the House was called up for consideration.

Senator Justice moved that **SB 229** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 229** was read for the third time at length.

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

Aye: Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brooks, Crain, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--40.

Nay: Allen, Brown, Dahm, Marlatt, Shortey and Sykes.--6.

Excused: Bingman.--1.

Vacancy: District 11.--1.

The bill passed.

**SB 229** was referred for engrossment.

**GENERAL ORDER**

**SB 149** by Garrison of the Senate and McPeak of the House was called up for consideration.

Senator Garrison moved that **SB 149** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 149** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--46.

Excused: Bingman.--1.

Vacancy: District 11.--1.

The bill passed.

**SB 149** was referred for engrossment.

### **GENERAL ORDER**

**SB 115** by Simpson of the Senate and Hardin of the House was called up for consideration.

Senator Simpson moved to amend **SB 115**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Simpson moved that **SB 115** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 115** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--46.

Excused: Bingman.--1.

Vacancy: District 11.--1.

The bill passed.

**SB 115** was referred for engrossment.

### **GENERAL ORDER**

**SB 223** by Simpson of the Senate and Roberts (Dustin) of the House was called up for consideration.

Senator Simpson moved to amend **SB 223**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Simpson moved that **SB 223** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 223** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--47.

Vacancy: District 11.--1.

The bill passed.

**SB 223** was referred for engrossment.

### **GENERAL ORDER**

**SB 293** by Simpson of the Senate and Ownbey of the House was called up for consideration.

Senator Simpson moved to amend **SB 293**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Simpson moved that **SB 293** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 293** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--47.

Vacancy: District 11.--1.

The bill passed.

**SB 293** was referred for engrossment.

### **GENERAL ORDER**

**SB 101** by Allen of the Senate and Osborn and Bennett of the House was called up for consideration.

Senator Allen moved that **SB 101** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 101** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--45.

Nay: Shaw.--1.

Excused: Bingman.--1.

Vacancy: District 11.--1.

The bill passed.

**SB 101** was referred for engrossment.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1045, 1114, 1150, 1437, 1514, 1683 and 1749.**

**HB 1045** – By Biggs of the House and Sykes of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 1080, which relates to post-conviction procedures; modifying procedures for filing petitions for post-conviction relief; defining phrase; providing time limitations for filing petitions; prohibiting the filing of petitions for post-conviction relief under certain circumstances; providing for the dismissal of petitions; authorizing motions to reopen previous post-conviction petitions

under certain circumstances; stating requirements for filing motion; making procedural requirements for filing petitions apply retroactively; and providing an effective date.

**HB 1114** – By Hoskin and Sherrer of the House and Sparks of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 1161, which relates to acts of insane persons; defining term; and providing an effective date.

**HB 1150** – By Grau and Sherrer of the House and Griffin of the Senate.

An Act relating to mental health; amending 43A O.S. 2011, Section 3-417.1, which prohibits certain facilities from being located within certain distance from certain schools; removing certain facility from such prohibition; and providing an effective date.

**HB 1437** – By Pfeiffer, Biggs and Sherrer of the House and Justice of the Senate.

An Act relating to agriculture; amending 2 O.S. 2011, Sections 5-3.2, as amended by Section 2, Chapter 118, O.S.L. 2013, 5-3.3, as amended by Section 4, Chapter 304, O.S.L. 2012 and 5-3.4 (2 O.S. Supp. 2014, Sections 5-3.2 and 5-3.3), which relate to the Oklahoma Agriculture Enhancement and Diversification Act; modifying purpose; updating language; expanding Oklahoma Agriculture Enhancement and Diversification Fund category; updating references; modifying application purpose; modifying application preference process; prohibiting consideration of certain applications; and declaring an emergency.

**HB 1514** – By Murdock of the House and Boggs of the Senate.

An Act relating to agriculture; amending 2 O.S. 2011, Sections 20-41 and 20-46, which relate to the Oklahoma Concentrated Animal Feeding Operations Act; updating references; modifying definition of interested party; authorizing the Oklahoma Department of Agriculture, Food, and Forestry to request and review additional information for certain applications; requiring the Department make certain determination within a certain timeframe; modifying certain notification requirements; deleting certain hearing requirements; requiring hearing be requested within certain timeframe; prohibiting the Department from taking action on certain application within certain time period; requiring application to be submitted under certain circumstances; requiring certain information in request for a hearing; requiring the Department to schedule a preliminary hearing under certain circumstances; providing timeframe to cure certain deficiencies; declaring that all affected property owners be a party to certain hearing; providing location of hearing; providing rebuttable presumption; providing burden of proof; requiring administrative law judge to allow certain responses and issue certain orders; requiring certain orders be sent to the Department; requiring full administrative hearing under certain circumstances; requiring scheduling conference; allowing affected property owner to waive right to a hearing if certain requirements are met; requiring administrative law judge to hear certain testimony and evidence at administrative hearing; providing burden of proof; requiring evidence admitted meet certain requirements; requiring interested party and applicant be afforded opportunity to present certain evidence and arguments; requiring administrative hearing comply with certain act and rules; and providing effective date.

**HB 1683** – By Denney of the House and Halligan of the Senate.

An Act relating to DNA collection procedures; amending 22 O.S. 2011, Section 991a, as last amended by Section 1, Chapter 157, O.S.L. 2014 (22 O.S. Supp. 2014, Section 991a), which relates to sentencing powers of the court; providing for the collection of DNA specimens by certain entity; amending 74 O.S. 2011, Section 150.27a, which relates to the OSBI Combined DNA Index System (CODIS) Database; providing for the collection of DNA specimens by certain entity; and providing an effective date.

**HB 1749** – By Newell, Osborn, Ritze, Nelson, Cockroft, Billy and Dunlap of the House and Dahm of the Senate.

An Act relating to payroll deductions; criminalizing certain payroll deductions by state agencies; defining terms; providing for codification; 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 24, 2015, 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 215** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sykes, Thompson, Treat

**SB 294** – Transportation

Ayes: Allen, Barrington, Bass, Bice, Fry, Loveless, Marlatt, Newberry, Paddack, Silk, Smalley, Stanislawski

**SB 445** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sparks, Standridge, Sykes, Thompson, Treat

**SB 448** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sykes, Thompson, Treat

**SB 771** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Standridge, Sykes, Thompson, Treat

**SB 788** – Judiciary

Ayes: Brooks, Crain, Griffin, Holt, Sparks, Standridge, Sykes, Thompson, Treat

Nays: Floyd

**SB 789** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Standridge, Sykes, Thompson, Treat

**SB 827** – Transportation, Remove as author Senator Smalley; authored by Transportation Committee

Ayes: Allen, Barrington, Bass, Bice, Fry, Loveless, Marlatt, Newberry, Paddack, Pittman, Shortey, Silk, Smalley, Stanislawski

DO PASS, As Amended:

**SB 21** – Judiciary

Ayes: Brooks, Crain, Griffin, Standridge, Sykes, Thompson, Treat

Nays: Floyd, Sparks

**SB 92** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Mazzei, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

**CS for SB 165** – Transportation

Ayes: Allen, Barrington, Bass, Bice, Fry, Loveless, Marlatt, Newberry, Paddack, Silk, Smalley, Stanislawski

**SB 167** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sykes, Thompson, Treat

**SB 255** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Mazzei, Paddack, Quinn, Simpson, Wyrick, Yen

**CS for SB 259** – Transportation

Ayes: Allen, Barrington, Bass, Bice, Fry, Loveless, Marlatt, Newberry, Paddack, Silk, Smalley, Stanislawski

**SB 338** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Mazzei, Paddack, Quinn, Simpson, Sparks, Yen

Nays: Wyrick

**SB 339** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

**SB 378** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Standridge, Sykes, Thompson, Treat

**SB 387** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Quinn, Simpson, Sparks,  
Yen

Nays: Paddack, Wyrick

**SB 410** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sykes, Thompson, Treat

**SB 443** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Standridge, Sykes, Thompson, Treat

**SB 498** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Mazzei, Paddack, Quinn,  
Simpson, Sparks, Wyrick, Yen

**SB 499** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Paddack, Quinn,  
Simpson, Sparks, Wyrick, Yen

**SB 501** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Paddack, Quinn,  
Simpson, Sparks, Wyrick, Yen

**SB 502** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Mazzei, Paddack, Quinn,  
Simpson, Sparks, Wyrick, Yen

**SB 590** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Mazzei, Paddack, Quinn,  
Schulz, Simpson, Wyrick, Yen

**SB 609** – Finance

Ayes: Brinkley, Dahm, David, Ford, Jolley, Quinn, Simpson, Yen

Nays: Halligan, Jech, Mazzei, Paddack, Sparks, Wyrick

**SB 623** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Mazzei, Paddack, Quinn,  
Simpson, Sparks, Wyrick, Yen

**CS for SB 694** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Mazzei, Paddack, Quinn,  
Schulz, Simpson, Wyrick, Yen

**CS for SB 715** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sparks, Standridge, Sykes, Thompson, Treat

**SB 725** – Judiciary

Ayes: Brooks, Crain, Griffin, Schulz, Standridge, Sykes, Thompson

**SB 765** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Standridge, Sykes, Thompson, Treat

Nays: Sparks

**CS for SB 767** – Judiciary

Ayes: Brooks, Crain, Griffin, Standridge, Sykes, Thompson, Treat

Nays: Floyd

**CS for SB 774** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Standridge, Sykes, Thompson, Treat

**SB 792** – Judiciary

Ayes: Brooks, Crain, Griffin, Holt, Standridge, Sykes, Thompson, Treat

Nays: Floyd

**SB 796** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Standridge, Sykes, Thompson, Treat

**CS for SB 802** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sykes, Thompson, Treat

**SB 824** – Finance, Remove as author Senator Mazzei; authored by Finance Committee

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

**SB 825** – Finance, Remove as author Senator Mazzei; authored by Finance Committee

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

FAILED:

**SB 633** – Tourism and Wildlife

Ayes: Anderson, Brecheen, Sharp, Shaw

Nays: Bass, Boggs, Garrison, Justice, Wyrick

**SB 671** – Judiciary

Ayes: Brooks, Standridge, Sykes, Treat

Nays: Crain, Floyd, Griffin, Sparks, Thompson

## **COMMITTEE REPORT**

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

DO PASS, As Amended:

**CS for SB 391** – Transportation

Ayes: Allen, Barrington, Bass, Bice, Fry, Loveless, Marlatt, Newberry, Paddack, Silk, Smalley, Stanislawski

## **SECOND READING**

The following were read for the second time and referred to committee as indicated:

**SB 826** – Public Safety

**SB 827** – Transportation

## **CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 21** - Coauthored by Coody (Jeff)

**SB 38** - Coauthored by Loring

**SB 55** - Coauthored by Billy (principal House author)

**SB 62** - Coauthored by ODonnell (principal House author)

**SB 97** - Coauthored by Joyner (principal House author)

**SB 118** - Coauthored by Grau (principal House author)

**SB 126** - Coauthored by Cox (principal House author)

**SB 153** - Coauthored by Ownbey (principal House author)

**SB 165** - Coauthored by Joyner (principal House author)

**SB 283** - Coauthored by Brecheen

Remove as author Senator Brecheen; authored by Shortey

**SB 313** - Coauthored by Bass

**SB 340** - Coauthored by Mulready (principal House author)

**SB 394** - Coauthored by Echols (principal House author)

**SB 434** - Coauthored by Echols (principal House author)

**SB 560** - Coauthored by Derby (principal House author)

**SB 604** - Coauthored by Cox (principal House author)

**SB 609** - Coauthored by Loveless

**SB 683** - Remove as coauthor Senator Barrington

**SB 715** - Coauthored by ODonnell (principal House author)

**SB 752** - Coauthored by Mulready (principal House author)

**SB 788** - Coauthored by Brooks

**SB 797** - Coauthored by Watson (principal House author)

**SB 798** - Coauthored by Echols (principal House author)

**SJR 4** - Coauthored by Shaw

Coauthored by Griffin, Marlatt

Coauthored by Bingman

**HB 1408** - Coauthored by Walker

Pursuant to the Schulz motion, the Senate adjourned at 2:25 p.m. to meet Wednesday, February 24, 2015, at 1:30 p.m.