

Senate Journal

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

Fortieth Legislative Day, Tuesday, April 12, 2016

The Senate was called to order by Senator Fields.

Roll Call:

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

Excused: Garrison and Simpson.—2.

Senator Fields declared a quorum present.

The prayer was offered by Reverend Bill Ledbetter, Fairview Baptist Church, Durant, the guest of Senator Brecheen.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 16, 1056, 1097, 1134, 1198 and 1209 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

HBs 2155, 2603, 2676, 2742, 2996, 3025, 3058 and 3167 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising the Honorable Senate that the House of Representatives is ready to convene in Joint Session.

Senator Schulz moved that the Senate meet with the House in Joint Session and that the Senate stand in recess until 1:30 p.m., which motion prevailed.

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JOINT SESSION

The Second Joint Session of the Second Regular Session of the Fifty-fifth Legislature was called to order by the President of the Senate, Lieutenant Governor Todd Lamb.

Senator Schulz moved that the attendance roll call of the Senate be considered the attendance roll call of the Senate in Joint Session, which motion was declared adopted.

Representative Ortega moved that the attendance roll call of the House of Representatives be considered the attendance roll call of the House in Joint Session, which motion was declared adopted.

President Lamb declared quorums of the Senate and House present and Joint Session duly assembled.

Posting of the Colors was presented by the Governor's Honor Guard.

The invocation was offered by Lieutenant Colonel Mike Shirley, Chaplain of the Oklahoma National Guard.

President Lamb recognized Colonel Louis Wilham, Oklahoma National Guard, to introduce Assistant Adjutant General, Brigadier General Michael Thompson.

Brigadier General Thompson addressed the Joint Session and conducted the program commemorating the 45th Infantry Division Appreciation Day.

Brigadier General Thompson introduced Governor Mary Fallin who addressed the Joint Session.

Brigadier General Thompson recognized Oklahoma National Guard members who had great impact in our state during recent events.

Governor Fallin presented medals to thees Oklahoma National Guard members.

Colonel Wilham read a formal Proclamation from Governor Mary Fallin recognizing 45th Infantry Appreciation Day and presented the Proclamation to Brigadier General Thompson.

Upon motion of Representative Ortega, the Second Joint Session was ordered dissolved at the hour of 10:30 a.m.

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The Senate reconvened with Senator Sykes presiding.

Senator Sykes questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

INTRODUCTION

Senator David introduced her daughter, Jamie Underwood, to the Senate.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Dahm asked unanimous consent to refer **SR 55** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 55 by Dahm was called up for consideration.

All other members of the Senate asked to coauthor **SR 55**, except Senator Loveless, which was the order.

SR 55 was adopted upon motion of Senator Dahm and referred for enrollment.

GENERAL ORDER

HB 2502 by Pfeiffer of the House and Jech of the Senate was called up for consideration.

Senator Jech moved that **HB 2502** be advanced, which motion was declared adopted.

THIRD READING

HB 2502 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, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Justice, Loveless, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw,

Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--42.

Nay: Matthews.--1.

Excused: Bingman, Garrison, Jolley, Marlatt and Simpson.--5.

The bill passed.

HB 2502 was referred for engrossment.

GENERAL ORDER

HB 3071 by Mulready of the House and Quinn of the Senate was called up for consideration.

Senator Quinn moved that **HB 3071** be advanced, which motion was declared adopted.

THIRD READING

HB 3071 was read for the third time at length.

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

Aye: Anderson, Barrington, Bice, Boggs, Brooks, Crain, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Jech, Justice, Marlatt, Matthews, Mazzei, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--34.

Nay: Allen, Bass, Brecheen, Brown, Dahm, Holt, Loveless, Newberry, Silk and Sykes.--10.

Excused: Bingman, Garrison, Jolley and Simpson.--4.

The bill passed.

HB 3071 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 3023 by Pfeiffer and Hickman of the House and Bice and Loveless of the Senate was called up for consideration.

Senator Bice moved that **HB 3023** be advanced, which motion was declared adopted.

THIRD READING

HB 3023 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, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--43.

Nay: Bass and Sykes.--2.

Excused: Garrison, Jolley and Simpson.--3.

The bill passed.

HB 3023 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2338 by Wesselhoft of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski moved to amend **HB 2338**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2338** to the engrossed version of the bill.

Senator Stanislawski moved that **HB 2338** be advanced, which motion was declared adopted.

THIRD READING

HB 2338 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, Bingman, Boggs, Brecheen, Brooks, Brown, Crain, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Matthews, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--41.

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

Excused: Bice, Garrison, Marlatt and Simpson.--4.

The bill passed.

HB 2338 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2473 by Walker et al of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski moved that **HB 2473** be advanced, which motion was declared adopted.

THIRD READING

HB 2473 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, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Matthews, Mazzei, Newberry, Paddock, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Bingman, Garrison, Marlatt and Simpson.--4.

The bill passed.

HB 2473 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2298 by McDaniel (Randy) of the House and Yen of the Senate was called up for consideration.

Senator Yen moved that **HB 2298** be advanced, which motion was declared adopted.

THIRD READING

HB 2298 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, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--43.

Excused: Bingman, Garrison, Marlatt, Simpson and Standridge.--5.

The bill passed.

HB 2298 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 3105 by Caldwell of the House and Yen of the Senate was called up for consideration.

Senator Yen asked unanimous consent to amend **HB 3105**, Page 1, by restoring the title, to which request objection was heard.

Senator Yen moved that **HB 3105** be advanced, which motion was declared adopted.

THIRD READING

HB 3105 was read for the third time at length.

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

Aye: Anderson, Barrington, Bice, Boggs, Brooks, Crain, David, Ford, Fry, Griffin, Halligan, Jech, Justice, Loveless, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Standridge, Thompson and Yen.--23.

Nay: Allen, Bass, Brecheen, Brown, Dahm, Dossett, Fields, Floyd, Holt, Jolley, Matthews, Mazzei, Newberry, Paddack, Pittman, Sparks, Stanislawski, Sykes, Treat and Wyrick.--20.

Excused: Bingman, Garrison, Marlatt, Quinn and Simpson.--5.

The bill failed.

Pursuant to Rule 8-32, Senator Yen served notice that the vote be reconsidered whereby **HB 3105** failed.

GENERAL ORDER

HB 2431 by Kern of the House and Standridge of the Senate was called up for consideration.

Senator Standridge moved to amend **HB 2431**, Page 3, Line 15, by deleting after the first “or” and before the word “living”, the words “married to or”, which amendment was declared adopted.

Senator Standridge moved that **HB 2431** be advanced, which motion was declared adopted.

THIRD READING

HB 2431 was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Bingman, Garrison, Marlatt and Simpson.--4.

The bill and emergency passed.

HB 2431 was referred for engrossment.

GENERAL ORDER

HB 2286 by Murphey of the House and Dahm of the Senate was called up for consideration.

Senator Dahm moved that **HB 2286** be advanced, which motion was declared adopted.

THIRD READING

HB 2286 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, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt,

Jech, Jolley, Justice, Loveless, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--45.

Excused: Garrison, Marlatt and Simpson.--3.

The bill passed.

HB 2286 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1581 by Park and Walker of the House and Treat and Brooks of the Senate was called up for consideration.

Senator Treat moved to amend **HB 1581**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1581** to the engrossed version of the bill.

Senator Treat moved that **HB 1581** be advanced, which motion was declared adopted.

THIRD READING

HB 1581 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, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Jech, Jolley, Justice, Loveless, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Garrison, Holt, Marlatt and Simpson.--4.

The bill passed.

HB 1581 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2504 by Pfeiffer et al of the House and Justice et al of the Senate was called up for consideration.

Senator Justice moved to amend **HB 2504**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2504** to the engrossed version of the bill.

Senator Justice moved that **HB 2504** be advanced, which motion was declared adopted.

THIRD READING

HB 2504 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, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--45.

Excused: Garrison, Matthews and Simpson.--3.

The bill passed.

HB 2504 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2614 by Thomsen of the House and Paddack of the Senate was called up for consideration.

Senator Paddack moved that **HB 2614** be advanced, which motion was declared adopted.

THIRD READING

HB 2614 was read for the third time at length.

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

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

Excused: Garrison and Simpson.--2.

The bill and emergency passed.

HB 2614 was properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 3202** and **3203**.

HB 3202 – By Sears and Casey of the House and Jolley and Treat of the Senate.

An Act relating to courts; amending 20 O.S. 2011, Section 1227, as last amended by Section 1, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section 1227), which relates to the Law Library Revolving Fund; extending date for transfer of monies; amending 20 O.S. 2011, Section 1310.1, as last amended by Section 2, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section 1310.1), which relates to the Supreme Court Revolving Fund; extending date for transfer of monies; amending 20 O.S. 2011, Section 1310.2, as last amended by Section 3, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section 1310.2), which relates to the State Judicial Revolving Fund; extending date for transfer of monies; amending 20 O.S. 2011, Section 1310.3, as last amended by Section 4, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section 1310.3), which relates to the Supreme Court Administrative Revolving Fund; extending date for transfer of monies; amending 28 O.S. 2011, Section 86, as amended by Section 5, Chapter 343, O.S.L. 2015 (28 O.S. Supp. 2015, Section 86), which relates to the Lengthy Trial Fund; extending date for transfer of monies; and declaring an emergency.

HB 3203 – By Sears and Casey of the House and Jolley and Treat of the Senate.

An Act relating to courts; amending 20 O.S. 2011, Section 1315, as amended by Section 84, Chapter 304, O.S.L. 2012 (20 O.S. Supp. 2015, Section 1315), which relates to the Oklahoma Court Information System; renaming Oklahoma Court Information System Revolving Fund; authorizing certain expenditures from fund; directing transfer of funds upon request; amending 28 O.S. 2011, Sections 152, as amended by Section 1, Chapter 384, O.S.L. 2015 and 153 (28 O.S. Supp. 2015, Section 152), which relate to court fees; updating fund name; and declaring an emergency.

The above-numbered measures were read the first time.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2097, 2423, 2586, 2694, 2715, 2761, 2963, 3115, 3120** and **3158**.

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

Advising passage of and returning the following Engrossed bills:

SB 200

SB 866 - coauthored by Pittman of the Senate

SB 884

SB 993

SB 1012

SB 1029

SB 1105

SB 1199

SB 1270

SB 1353

SB 1465 - remove Representative Christian as principal House author and substitute with Representative Roberts (Dustin), add as coauthors Representative Christian and Representative Ritze

SB 1506

SB 1511 - coauthored by Stanislawski of the Senate

The above-numbered measures were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 16, 1056, 1097, 1134, 1198** and **1209**.

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

MESSAGE FROM THE HOUSE HAs TO SENATE BILLS

Advising passage of and returning the following engrossed bills as amended:

SB 911 - (Emergency Failed) coauthored by Sherrer of the House

SB 1071

House amendments were read on the above-numbered bills.

SCs NAMED

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

SB 424 – Crain, Bice, Floyd, David, Newberry, Jolley, Bass

SB 1016 – Holt, Griffin, Pittman, Justice, Jech, Fields, Wyrick

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 13, 2016, at 9:30 a.m., which motion prevailed.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

HB 1471 - Coauthored by Paddack

HB 2261 - Coauthored by Kirby

HB 2482 - Coauthored by Stanislawski

Coauthored by Brecheen

HB 2614 - Coauthored by Pittman

HB 2929 - Coauthored by Matthews

Coauthored by Pittman

HB 3098 - Coauthored by Silk

HJR 1009 - Coauthored by Fry

Coauthored by Pittman

Coauthored by Newberry

MESSAGE FROM THE GOVERNOR

Advising her approval April 12, 2016, of Enrolled **SB 1206**.

Pursuant to the Schulz motion, the Senate adjourned at 2:55 p.m. to meet Wednesday, April 13, 2016, at 9:30 a.m.