

# Senate Journal

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

**Fifth Legislative Day, Monday, February 10, 2014**

The Senate was called to order by Senator Ford.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, 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.—47

Excused: Brecheen.—1

Senator Ford declared a quorum present.

The prayer was offered by Pastor Steven Lester, Central Church of the Nazarene, Tulsa, the guest of Senator Dahm.

### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SR 41** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### **EXECUTIVE NOMINATION**

The following executive nomination has been approved by the committee named:

Anthony, Calvin J., Stillwater, to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, to serve an eight year term ending April 4, 2022, succeeding himself. (Education Committee) Motion to confirm made by Senator Jim Halligan.

Motions to confirm the above-named executive nomination was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Ballenger, Barrington, Bingman, Boggs, Branan, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.—42.

Excused: Anderson, Bass, Brecheen, Coates, Ivester and Justice.—6.

**Senator Sykes presiding.**

### **EXECUTIVE NOMINATION**

The following executive nomination has been approved by the committee named:

Sommers, Robert D., Stillwater, as the Secretary of Education and Workforce Development, to serve an unexpired term coterminous with the Governor, succeeding Phyllis A. Hudecki. (Education Committee) Motion to confirm made by Senator Jim Halligan.

Motion to confirm the above-named executive nomination was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Barrington, Bingman, Boggs, Branan, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Standridge, Stanislawski, Sykes and Treat.--33.

Nay: Ballenger, Bass, Burrage, Ellis, Garrison, Johnson (C), McAffrey, Paddack, Sparks and Wyrick.--10.

Excused: Anderson, Brecheen, Coates, Ivester and Mazzei.--5.

### **CHANGE IN COMMITTEE ASSIGNMENTS**

The following bills will be reassigned as follows:

**SB 1331** – Withdrawn from Rules Committee and referred to Education

**SB 1806** – Withdrawn from Rules Committee and referred to Business and Commerce

**SB 1948** – Withdrawn from Rules Committee and referred to Judiciary

**SB 1966** – Withdrawn from Education Committee and referred to Judiciary

**EXECUTIVE NOMINATIONS**

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

Bailey, John D., Altus, as a member of the Oklahoma Abstractors Board - Business and Commerce

Barnett, Amy, Weatherford, as a member of the State Board of Behavioral Health Licensure - Health and Human Services

Coble, W. Brett, Ardmore, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Cohen, Julie, Norman, as a member of the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park - Education

Cooke, Michael F., Bethany, as a member of the Construction Industries Board - Business and Commerce

Croak, William H., Oklahoma City, as a member of the Board of Regents for Rose State College - Education

Darby, Dana D., Altus, as a member of the Board of Regents of Western Oklahoma State College - Education

Franks, Cathryn C., Roosevelt, as a member of the State Board of Education - Education

Gendill, James G., Edmond, as a member of the Committee on Home Inspector Examiners - Business and Commerce

Graumann, Dean, Granite, as a member of the Oklahoma Conservation Commission - Energy

Graumann, Dean, Granite, as a member of the Oklahoma Conservation Commission - Energy

Mabrey, Bruce, Okmulgee, as a member of the Oklahoma Wildlife Conservation Commission - Tourism and Wildlife

McGary, Rebecca, Del City, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Ming, Diane, Edmond, as a member of the Board of Regents of the University of Science and Arts of Oklahoma - Education

Pever, Lisa G., Edmond, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Pfeifer, Nancy, Tulsa, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Poteete, Nancy B., Norman, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Rooks, Ralph E., Valiant, as a member of the Used Motor Vehicle and Parts Commission - Business and Commerce

Sims, Billy G., Mountain View, as a member of the Environmental Quality Board - Energy

Stevenson, Carol J., Weatherford, as a member of the State Board of Behavioral Health Licensure - Health and Human Services

Talley, Denver S., Chickasha, as a member of the Committee on Home Inspector Examiners - Business and Commerce

Tapley, Jahni, Idabel, as a member of the Board of Regents for Carl Albert State College - Education

Teague, Michael J., Bixby, as a member of the Secretary of Energy and Environment - Energy

Wilson, Denise M., Langley, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Winters, Jed, Altus, as a member of the Oklahoma Mining Commission - Energy

Wood, S. Gail, Edmond, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Services

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Schulz, the request of the Honorable House for conference on **HB 1875** was ordered granted and bill referred to GCCA.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 11, 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 1172** – General Government

Ayes: Ballenger, Ellis, Loveless, Marlatt, Treat

Nays: Aldridge, Dahm, Johnson (Rob)

**SB 1173** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Marlatt, Treat

**SB 1243** – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**SB 1404** – Education, coauthored by Shortey

Ayes: Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Shortey, Sparks, Stanislawski

**SB 1422** – Education, coauthored by Sparks

Ayes: Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Shortey, Sparks, Stanislawski

**SB 1461** – Education

Ayes: Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Shortey, Sparks, Stanislawski

**SB 1738** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Loveless, Marlatt, Treat

**SB 1788** – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**SB 1789** – Health and Human Services, coauthored by Johnson (Constance)

Ayes: Coates, Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**SB 1800** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Marlatt, Treat

**SB 1967** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Marlatt, Treat

**SJR 51** – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Newberry, Shumate, Standridge

Nays: Johnson (Constance)

DO PASS, As Amended:

**CS for SB 1181** – EducationAyes: Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Shortey, Sparks,  
Stanislawski**SB 1380** – EducationAyes: Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Shortey, Sparks,  
Stanislawski**SB 1521** – Health and Human ServicesAyes: Coates, Crain, David, Griffin, Johnson (Constance), Newberry, Shumate,  
Standridge**CS for SB 1536** – Health and Human ServicesAyes: Coates, Crain, David, Griffin, Johnson (Constance), Newberry, Shumate,  
Standridge**CS for SB 1644** – Agriculture and Rural Development

Ayes: Allen, Barrington, Bass, Boggs, Fields, Justice, Schulz, Simpson, Sykes, Wyrick

**SB 1918** – Agriculture and Rural Development

Ayes: Barrington, Bass, Boggs, Fields, Justice, Simpson, Sykes

Nays: Allen, Wyrick

**CS for SB 2120** – Pensions

Ayes: Branan, Brinkley, Brooks, Brown, Mazzei

Nays: Ballenger, Ivester

FAILED:

**SB 1394** – Agriculture and Rural Development

Ayes: Bass, Fields, Justice, Wyrick

Nays: Allen, Barrington, Boggs, Simpson, Sykes

**COMMITTEE REPORTS**

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

DO PASS:

**SB 1469** – Education

Ayes: Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Shortey, Stanislawski

Nays: Sparks

**SB 1505** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Marlatt, Treat

**SB 1702** – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Newberry, Shumate, Standridge

Nays: Johnson (Constance)

**SB 1706** – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Newberry, Standridge

Nays: Johnson (Constance), Shumate

**SB 1791** – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**SB 1839** – Health and Human Services

Ayes: Coates, Crain, Griffin, Newberry, Standridge

Nays: David, Johnson (Constance), Shumate

**SB 1840** – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Newberry, Standridge

Nays: Johnson (Constance), Shumate

**SB 1902** – Education

Ayes: Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Shortey, Sparks, Stanislawski

**SB 1971** – Education

Ayes: Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Shortey, Stanislawski

DO PASS, As Amended:

**SB 1462** – Education

Ayes: Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Shortey, Sparks, Stanislawski

**SB 1463** – Education

Ayes: Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Shortey, Sparks, Stanislawski

**SB 1833** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Marlatt, Treat

**SB 1911** – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Johnson (Constance), Newberry, Standridge

FAILED:

**SB 1537** – Health and Human Services

Ayes: Coates, Johnson (Constance), Shumate  
Nays: Crain, David, Griffin, Newberry, Standridge

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 212** - Coauthored by Anderson

Remove as author Senator Anderson; authored by Brinkley

**SB 1148** - Coauthored by Fields

**SB 1149** - Coauthored by Fields

**SB 1150** - Coauthored by Fields

**SB 1151** - Coauthored by Fields

**SB 1152** - Coauthored by Fields

**SB 1153** - Coauthored by Fields

**SB 1170** - Coauthored by Fields

**SB 1173** - Coauthored by Johnson (principal House author)

**SB 1195** - Coauthored by Justice

**SB 1198** - Coauthored by Brumbaugh (principal House author)

**SB 1207** - Coauthored by Smalley (principal House author)

**SB 1215** - Coauthored by Grau (principal House author)

**SB 1226** - Coauthored by Fields

**SB 1227** - Coauthored by Sears (principal House author)

**SB 1228** - Coauthored by Sears (principal House author)

- SB 1244** - Coauthored by Sears (principal House author)
- SB 1245** - Coauthored by Sears (principal House author)
- SB 1278** - Coauthored by Osborn (principal House author)
- SB 1295** - Coauthored by Casey (principal House author)
- SB 1297** - Coauthored by Mulready (principal House author)
- SB 1332** - Coauthored by DeWitt (principal House author)
- Coauthored by Fields
- SB 1359** - Coauthored by Brumbaugh (principal House author)
- SB 1375** - Coauthored by Thomsen (principal House author)
- SB 1380** - Coauthored by Thomsen (principal House author)
- SB 1383** - Coauthored by Denney (principal House author)
- SB 1394** - Coauthored by Armes (principal House author)
- SB 1399** - Remove as author Senator Ballenger; authored by Standridge
- SB 1404** - Coauthored by Shortey
- SB 1406** - Coauthored by Osborn (principal House author)
- SB 1422** - Coauthored by Sparks
- SB 1430** - Coauthored by DeWitt (principal House author)
- SB 1445** - Coauthored by Billy (principal House author)
- SB 1468** - Coauthored by Grau (principal House author)
- SB 1524** - Coauthored by Armes (principal House author)
- SB 1551** - Coauthored by Grau (principal House author)
- SB 1581** - Coauthored by Watson (principal House author)
- SB 1644** - Coauthored by Fields
- SB 1668** - Coauthored by McBride (principal House author)
- SB 1676** - Coauthored by Russ (principal House author)
- SB 1698** - Coauthored by Armes (principal House author)
- SB 1701** - Coauthored by Justice
- Coauthored by DeWitt (principal House author)
- SB 1716** - Coauthored by Schwartz (principal House author)
- SB 1720** - Coauthored by Hickman (principal House author)
- SB 1738** - Coauthored by Schwartz (principal House author)
- SB 1764** - Coauthored by Thomsen (principal House author)
- SB 1787** - Coauthored by Johnson (Constance)
- SB 1789** - Coauthored by Johnson (Constance)
- SB 1791** - Coauthored by Nelson (principal House author)
- SB 1809** - Remove as author Senator Sparks; authored by Sharp
- SB 1832** - Coauthored by Echols (principal House author)
- SB 1833** - Coauthored by Echols (principal House author)
- SB 1840** - Coauthored by Kouplen (principal House author)
- SB 1852** - Coauthored by Johnson (principal House author)
- SB 1853** - Coauthored by Moore (principal House author)
- SB 1875** - Coauthored by Nelson (principal House author)
- SB 1876** - Coauthored by Osborn (principal House author)
- SB 1878** - Coauthored by Derby (principal House author)
- SB 1893** - Coauthored by ODonnell (principal House author)
- SB 1898** - Coauthored by Peterson (principal House author)

- SB 1908** - Coauthored by McCullough (principal House author)
- SB 1911** - Coauthored by Billy (principal House author)  
Coauthored by Johnson (Constance)
- SB 1918** - Coauthored by Hickman (principal House author)
- SB 1921** - Coauthored by Osborn (principal House author)
- SB 1948** - Coauthored by Echols (principal House author)
- SB 2044** - Coauthored by Treat
- SB 2051** - Remove as author Senator Bingman; authored by Griffin
- SB 2052** - Remove as author Senator Bingman; authored by Griffin
- SB 2057** - Remove as author Senator Bingman; authored by Griffin
- SB 2058** - Remove as author Senator Bingman; authored by Griffin
- SB 2059** - Remove as author Senator Bingman; authored by Griffin
- SB 2060** - Remove as author Senator Bingman; authored by Griffin
- SB 2061** - Remove as author Senator Bingman; authored by Griffin
- SB 2062** - Remove as author Senator Bingman; authored by Griffin
- SB 2063** - Remove as author Senator Bingman; authored by Griffin
- SB 2064** - Remove as author Senator Bingman; authored by Brecheen
- SB 2078** - Coauthored by Grau (principal House author)
- SB 2120** - Coauthored by Mazzei

Pursuant to the Schulz motion, the Senate adjourned at 2:00 p.m. to meet Tuesday, February 11, 2014, at 1:30 p.m.