

Senate Journal

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

Thirteenth Legislative Day, Monday, February 24, 2014

The Senate was called to order by Senator David.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, 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 Wyrick.—47.

Excused: Shortey. —1

Senator David 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

SB 2044 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SR 39 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

CHANGE IN COMMITTEE ASSIGNMENTS

The following bills will be reassigned as follows:

SB 1224 – Withdrawn from Appropriations Committee and referred to Agriculture and Rural Development

SB 1673 – Withdrawn from Rules Committee and referred to Agriculture and Rural Development

GENERAL ORDER

SB 1730 by Griffin and Johnson (Constance) of the Senate and DeWitt of the House was called up for consideration.

Senator Griffin asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **SB 1730**.

Senator Griffin moved to amend **SB 1730**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Griffin moved that **SB 1730** be advanced, which motion was declared adopted.

THIRD READING

SB 1730 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, Ballenger, Barrington, Bass, Bingman, Boggs, Branam, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--45.

Excused: Johnson (C), McAffrey and Shortey.--3.

The bill passed.

SB 1730 was referred for engrossment.

GENERAL ORDER

SB 1744 by Griffin and Sparks of the Senate and Russ of the House was called up for consideration.

Senator Griffin moved that **SB 1744** be advanced, which motion was declared adopted.

THIRD READING

SB 1744 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, Barrington, Bass, 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, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--45.

Excused: McAffrey and Shortey.--2.

Not Voting: Ballenger.—1.

The bill passed.

*Senator Ballenger asked to be shown not voting on **SB 1744** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

SB 1744 was referred for engrossment.

GENERAL ORDER

SB 1746 by Griffin and Sparks of the Senate and Russ of the House was called up for consideration.

Senator Griffin moved that **SB 1746** be advanced, which motion was declared adopted.

THIRD READING

SB 1746 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, Ballenger, Barrington, Bass, 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, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--45.

Excused: Bingman, McAffrey and Shortey.--3.

The bill passed.

SB 1746 was referred for engrossment.

GENERAL ORDER

SB 1443 by Holt of the Senate and Echols of the House was called up for consideration.

Senator Holt moved that **SB 1443** be advanced, which motion was declared adopted.

THIRD READING

SB 1443 was read for the third time at length.

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

Nay: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Boggs, 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, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Bingman, Branan, McAffrey and Shortey.--4.

The bill failed.

Pursuant to Rule 12-21, Senator Holt served notice that the vote be reconsidered whereby **SB 1443** failed.

MOTION TO RECONSIDER VOTE

Senator Holt asked unanimous consent to reconsider the vote whereby **SB 1443** failed, which was the order.

Senator Holt asked unanimous consent to reconsider the vote whereby **SB 1443** was advanced, which was the order.

GENERAL ORDER

SB 1443 by Holt of the Senate and Echols of the House was called up for further consideration.

Senator Holt moved to amend **SB 1443**, Page 1, by striking the title, which amendment was declared adopted.

Senator Holt moved that **SB 1443** be advanced, which motion was declared adopted.

THIRD READING

SB 1443 was read for the third time at length.

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

Aye: Aldridge, Ballenger, Barrington, Boggs, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Dahm, David, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Loveless, Newberry, Paddack, Schulz, Sharp, Shumate, Simpson, Sparks, Standridge, Stanislawski, Treat and Wyrick.--34.

Nay: Allen, Anderson, Bass, Crain, Ellis, Jolley, Mazzei, Shaw and Sykes.--9.

Excused: Bingman, Branan, Marlatt, McAffrey and Shortey.--5.

The bill passed.

SB 1443 was referred for engrossment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Jolley asked unanimous consent to refer **SR 45** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 45 by Jolley was called up for consideration.

SR 45 was adopted upon motion of Senator Jolley and referred for enrollment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1020, 2397, 2594, 2626, 2685, 2859, 2874, 3164, 3333, 3334, 3343, 3345** and **3358**.

HB 1020 – By Hulbert, Roberts (Sean), Cleveland and Pittman of the House and David of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 887.13 and 887.17, as amended by Section 2, Chapter 29, O.S.L. 2012 (59 O.S. Supp. 2013,

Section 887.17), which relate to the Physical Therapy Practice Act; permitting individuals to access physical therapy without certain referral; and providing an effective date.

HB 2397 – By Hall of the House and Griffin of the Senate.

An Act relating to state government; amending 74 O.S. 2011, Sections 500.2, as last amended by Section 107, Chapter 15, O.S.L. 2013, 500.3, 500.9, as last amended by Section 4, Chapter 244, O.S.L. 2013 and 500.15, as amended by Section 857, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2013, Sections 500.2, 500.9 and 500.15), which relate to the State Travel Reimbursement Act; providing for filing of a travel claim in lieu of affidavit; modifying statutory reference; modifying scope of per diem allowance; removing maximum limit of per diem for travel; authorizing additional per diem in specific circumstance; applying certain time limitation for in-state travel; modifying statutory reference; and providing an effective date.

HB 2594 – By Walker of the House and Stanislawski of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1290.5, as amended by Section 26, Chapter 259, O.S.L. 2012 and 1290.12, as last amended by Section 5, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2013, Sections 1290.5 and 1290.12), which relate to the Oklahoma Self-Defense Act; providing alternate form of payment for handgun license applications and renewals; and providing an effective date.

HB 2626 – By Henke of the House and Stanislawski of the Senate.

An Act relating to schools; repealing 70 O.S. 2011, Section 8-103, as last amended by Section 2, Chapter 312, O.S.L. 2013 (70 O.S. Supp. 2013, Section 8-103), which relates to an application for school transfer; and providing an effective date.

HB 2685 – By Grau, Ritze, Biggs, Christian, Cooksey and Bennett of the House and Standridge of the Senate.

An Act relating to public health and safety; defining certain terms; prohibiting abortion to be performed without voluntary and informed consent of female; requiring certain certification; requiring certification to be retained for certain period; requiring State Board of Medical Licensure and Supervision to publish certain materials and to develop certain website; requiring physician to inform female of certain information if medical emergency compels abortion; requiring Board to prepare and distribute certain forms for physicians; requiring physicians to file certain report; requiring Board to issue certain report; permitting Board to modify certain requirements by rule; permitting civil action; providing for anonymity of certain female in court proceedings; providing for severability; providing for codification; and providing an effective date.

HB 2859 – By Sherrer of the House and Ivester of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 472, which relates to the Anna McBride Act; providing for the use of offender sanctions and incentives; stating procedures for revocations; and providing an effective date.

HB 2874 – By Newell and Bennett of the House and Brecheen of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1290.14, as last amended by Section 1, Chapter 139, O.S.L. 2013 (21 O.S. Supp. 2013, Section 1290.14), which relates to the Oklahoma Self-Defense Act; making completion certificates valid for certain period of time; requiring firearms instructors to retain records for certain period of time; authorizing the destruction of certain records; and providing an effective date.

HB 3164 – By Murphey and Walker of the House and Dahm of the Senate.

An Act relating to contracts; repealing 15 O.S. 2011, Sections 1021, 1022, 1023 and 1024, which relate to the Y2K Protection Act; and providing an effective date.

HB 3333 – By Murphey of the House and Dahm of the Senate.

An Act relating to state government; repealing 74 O.S. 2011, Section 3805, which relates to the Oklahoma Education Council; and providing an effective date.

HB 3334 – By Murphey of the House and Dahm of the Senate.

An Act relating to state government; repealing 74 O.S. 2011, Sections 3501 and 3502, which relate to the Southern Growth Policies Agreement; and providing an effective date.

HB 3343 – By Murphey of the House and Dahm of the Senate.

An Act relating to state government; repealing 74 O.S. 2011, Section 8121, as amended by Section 1050, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2013, Section 8121), which relates to the Task Force on Electronic Commerce; and providing an effective date.

HB 3345 – By Armes of the House and Griffin of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 858-102 and 858-301, which relate to the Oklahoma Real Estate Code; modifying definition; defining term; modifying exception; and providing an effective date.

HB 3358 – By Murphey of the House and Dahm of the Senate.

An Act relating to contracts; repealing 15 O.S. 2011, Sections 611, 612, 613, 614 and 615, which relate to sales of secondhand watches; 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 Tuesday, February 25, 2014, at 9:30 a.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

SB 1114 – Pensions

Ayes: Anderson, Ballenger, Branana, Brinkley, Brooks, Brown, Ivester, Mazzei

SB 1216 – Health and Human Services

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

SB 1293 – Health and Human Services

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

Nays: Coates, Johnson (Constance)

SB 1511 – General Government

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

SB 1653 – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Paddack, Sharp, Shaw, Stanislawski

SB 1691 – Pensions

Ayes: Anderson, Ballenger, Branana, Brinkley, Brooks, Ivester, Mazzei

Nays: Brown

SB 1764 – Education

Ayes: Brecheen, Ford, Holt, Shaw, Stanislawski

Nays: Garrison, Halligan, Paddack, Sharp

SB 1838 – Health and Human Services

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

SB 1841 – Health and Human Services

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

SB 1853 – Health and Human Services

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

SB 1900 – Health and Human Services

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

DO PASS, As Amended:

SB 1023 – General Government

Ayes: Dahm, Johnson (Rob), Loveless, Marlatt, Treat

CS for SB 1183 – Health and Human Services

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

CS for SB 1206 – General Government

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

CS for SB 1218 – Health and Human Services

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

SB 1224 – Agriculture and Rural Development

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

SB 1235 – Health and Human Services

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

SB 1262 – Health and Human Services

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

CS for SB 1310 – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Paddack, Sharp, Shaw, Stanislawski

CS for SB 1315 – General Government, coauthored by Grau (principal House author)

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

CS for SB 1331 – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Paddack, Sharp, Shaw, Stanislawski

SB 1348 – Education, coauthored by Brecheen

Ayes: Brecheen, Ford, Garrison, Halligan, Paddack, Sharp, Shaw, Stanislawski

CS for SB 1370 – Health and Human Services, coauthored by Turner (principal House author)

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

CS for SB 1382 – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Paddack, Sharp, Shaw, Stanislawski

CS for SB 1455 – Health and Human Services

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

CS for SB 1460 – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Paddack, Sharp, Shaw, Stanislawski

CS for SB 1464 – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Paddack, Sharp, Shaw, Stanislawski

SB 1582 – General Government, Remove as author Senator Ballenger; authored by Senator Loveless

Ayes: Dahm, Ellis, Johnson (Rob), Loveless, Marlatt

CS for SB 1590 – Agriculture and Rural Development, coauthored by Armes (principal House author)

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

SB 1591 – Agriculture and Rural Development

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

CS for SB 1602 – Health and Human Services

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

CS for SB 1648 – General Government

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

CS for SB 1655 – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Paddack, Sharp, Shaw, Stanislawski

CS for SB 1660 – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Paddack, Stanislawski

Nays: Sharp, Shaw

CS for SB 1663 – Education

Ayes: Ford, Garrison, Halligan, Paddack, Shaw

Nays: Brecheen, Holt, Sharp, Stanislawski

CS for SB 1673 – Agriculture and Rural Development, coauthored by DeWitt
(principal House author)

Ayes: Allen, Barrington, Boggs, Fields, Justice, Simpson, Wyrick

Nays: Sykes

SB 1699 – Health and Human Services

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

CS for SB 1704 – General Government

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

CS for SB 1729 – Agriculture and Rural Development

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

SB 1781 – Health and Human Services

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

CS for SB 1790 – Health and Human Services, coauthored by Jackson (principal
House author)

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

CS for SB 1812 – General Government

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

CS for SB 1820 – Health and Human Services

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

CS for SB 1821 – Health and Human Services

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

SB 1828 – Education

Ayes: Brecheen, Ford, Halligan, Holt, Paddack, Sharp, Shaw, Stanislawski

Nays: Garrison

CS for SB 1859 – General Government

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

CS for SB 1879 – Health and Human Services, coauthored by Echols (principal House author)

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

CS for SB 1884 – Agriculture and Rural Development

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

CS for SB 1887 – Agriculture and Rural Development

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

SB 1897 – Pensions

Ayes: Branan, Brinkley, Brown, Mazzei

Nays: Anderson, Ballenger, Ivester

CS for SB 2024 – Pensions

Ayes: Anderson, Ballenger, Branan, Brinkley, Brown, Ivester, Mazzei

CS for SB 2121 – Pensions, coauthored by Jackson (principal House author)

Ayes: Anderson, Ballenger, Brinkley, Brooks, Brown, Ivester, Mazzei

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 232 - Coauthored by Ivester, Paddack, Sparks, McAffrey

SB 1075 - Coauthored by Ivester

SB 1143 - Remove as coauthor Senator Boggs; Remove as author Senator Standridge; authored by Boggs; coauthored by Standridge

SB 1168 - Coauthored by Ivester

SB 1184 - Coauthored by Simpson

SB 1235 - Coauthored by Nollan (principal House author)

SB 1278 - Coauthored by Matthews, Pittman

SB 1315 - Coauthored by Grau (principal House author)

SB 1348 - Coauthored by Brecheen

SB 1370 - Coauthored by Turner (principal House author)

SB 1577 - Coauthored by Bass

SB 1582 - Remove as author Senator Ballenger; authored by Senator Loveless

SB 1590 - Coauthored by Armes (principal House author)

SB 1591 - Coauthored by Denney (principal House author)

SB 1602 - Coauthored by Jackson (principal House author)

SB 1651 - Coauthored by Paddack

SB 1673 - Coauthored by DeWitt (principal House author)

SB 1685 - Coauthored by Hulbert (principal House author)

SB 1691 - Coauthored by Blackwell (principal House author)

SB 1790 - Coauthored by Jackson (principal House author)
SB 1879 - Coauthored by Echols (principal House author)
SB 1897 - Coauthored by Derby (principal House author)
SB 1937 - Coauthored by Ivester
SB 1979 - Coauthored by Ivester
SB 1980 - Coauthored by Ivester
SB 2121 - Coauthored by Jackson (principal House author)
SR 45 - Authored by Senator Jolley
HB 2685 - Coauthored by Bennett
HB 2874 - Coauthored by Bennett

EXECUTIVE NOMINATION

The following executive nomination was read and referred to the committee indicated:

Hopper, Kristin, Oklahoma City, as a member of the Board of Examiners for Speech-Language Pathology and Audiology - Health and Human Services

Pursuant to the Schulz motion, the Senate adjourned at 2:20 p.m. to meet Tuesday, February 25, 2014, at 9:30 a.m.