

# Senate Journal

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

**Twenty-fourth Legislative Day, Thursday, March 13, 2014**

The Senate was called to order by Senator Marlatt.

Roll Call:

Present: 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, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.—47.

Excused: Coates. —1.

Senator Marlatt declared a quorum present.

The prayer was offered by Father Rick Stansberry, Christ the King, Oklahoma City, the guest of Senator Rob Johnson.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1141, 1278, 1347, 1348, 1370, 1440, 1456, 1461, 1462, 1463, 1508, 1602, 1618, 1636, 1706, 1745, 1791, 1792, 1823, 1826, 1829, 1830, 1833, 1848, 1851, 1892, 1899, 1900, 1902, 1903, 1914, 1915, 1925, 1929, 1964, 1965, 1966, 1971, 1988, 1989 and 2019** and **SJR 55** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### GENERAL ORDER

**SB 1884** by Justice of the Senate and Biggs of the House was called up for consideration.

Senator Justice moved to amend **SB 1884**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Justice moved that **SB 1884** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1884** was read for the third time at length.

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

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

Excused: Anderson, Bass, Coates, Johnson (C), Jolley, Loveless, Mazzei, McAffrey and Shumate.--9.

The bill passed.

**SB 1884** was referred for engrossment.

### **GENERAL ORDER**

**SB 1859** by Brecheen of the Senate and Newell of the House was called up for consideration.

Senator Brecheen moved that **SB 1859** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1859** was read for the third time at length.

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

Aye: Aldridge, Allen, Ballenger, Barrington, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Johnson (R), Justice, Marlatt, Newberry, Schulz, Shaw, Shortey, Simpson, Stanislawski, Sykes, Treat and Wyrick.--33.

Nay: Holt, Ivester, Paddack, Sharp and Sparks.--5.

Excused: Anderson, Bass, Coates, Johnson (C), Jolley, Loveless, Mazzei, McAffrey, Shumate and Standridge.--10.

The bill and emergency passed.

**SB 1859** was referred for engrossment.

### **GENERAL ORDER**

**SB 1601** by Bingman et al of the Senate and McNiell and Inman of the House was called up for consideration.

Senator Bingman moved that **SB 1601** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1601** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--42.

Excused: Bass, Coates, Johnson (C), Jolley, Loveless and Shumate.--6.

The bill passed.

**SB 1601** was referred for engrossment.

### **GENERAL ORDER**

**SB 594** by Bingman of the Senate and Jordan of the House was called up for consideration.

Senator Bingman moved to amend **SB 594**, Page 1, by striking the title, which amendment was declared adopted.

Senator Sykes moved to amend **SB 594**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Sykes moved that **SB 594** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 594** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--42.

Excused: Bass, Coates, Johnson (C), Jolley, Loveless and Shumate.--6.

The bill passed.

**SB 594** was referred for engrossment.

### **GENERAL ORDER**

**SB 2122** by Sykes of the Senate and Osborn of the House was called up for consideration.

Senator Sykes moved that **SB 2122** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 2122** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--41.

Excused: Bass, Bingman, Coates, Johnson (C), Jolley, Loveless and Shumate.--7.

The bill and emergency passed.

**SB 2122** was referred for engrossment.

## **GENERAL ORDER**

**SB 1495** by David of the Senate and McCullough of the House was called up for consideration.

Senator David moved to amend **SB 1495**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Burrage asked unanimous consent to suspend Senate Rule 12-4 as it pertains to **SB 1495**, to which request objection was heard.

Senator Burrage moved to suspend to Senate Rule 12-4 as it pertains to **SB 1495**, which motion failed of adoption upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Brown, Burrage, Crain, Ellis, Garrison, Ivester, McAffrey, Paddack, Shumate, Sparks, Standridge and Wyrick.--17.

Nay: Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Dahm, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Schulz, Sharp, Shaw, Shortey, Simpson, Stanislawski, Sykes and Treat.--28.

Excused: Bass, Coates and Johnson (C).--3.

Senator David moved that **SB 1495** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 1495** was read for the third time at length.

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

Aye: Barrington, Bingman, Branan, Brecheen, Brinkley, Brooks, Brown, Dahm, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Justice, Loveless, Mazzei, Newberry, Schulz, Shaw, Shortey, Simpson, Stanislawski and Treat.--25.

Nay: Aldridge, Allen, Anderson, Ballenger, Bass, Boggs, Burrage, Crain, Ellis, Garrison, Ivester, Jolley, Marlatt, McAffrey, Paddack, Sharp, Shumate, Sparks, Standridge, Sykes and Wyrick.--21.

Excused: Coates and Johnson (C).--2.

The bill passed.

**SB 1495** was referred for engrossment.

**Senator Brinkley presiding.**

### **GENERAL ORDER**

**SB 1499** by David of the Senate and Echols of the House was called up for consideration.

Senator David moved to amend **SB 1499**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator David moved that **SB 1499** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1499** 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, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Coates, Johnson (C), Sharp and Shortey.--4.

The bill passed.

**SB 1499** was referred for engrossment.

### **GENERAL ORDER**

**SB 1812** by Marlatt of the Senate and Jackson of the House was called up for consideration.

Senator Marlatt asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **SB 1812**.

Senator Marlatt moved to amend **SB 1812**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Marlatt moved to amend the floor substitute to **SB 1812**, Page 1, by striking the title, which amendment was declared adopted.

Senator Marlatt moved that **SB 1812** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1812** was read for the third time at length.

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

Aye: Aldridge, Barrington, Bingman, Boggs, Branan, Brinkley, Brooks, Brown, Dahm, David, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Shaw, Simpson, Standridge, Stanislawski and Treat.--25.

Nay: Allen, Anderson, Ballenger, Bass, Brecheen, Burrage, Ellis, Fields, Garrison, Ivester, Mazzei, McAffrey, Paddack, Schulz, Shumate, Sparks, Sykes and Wyrick.--18.

Excused: Coates, Crain, Johnson (C), Sharp and Shortey.--5.

The bill passed.

**SB 1812** was referred for engrossment.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1471, 1473, 2312, 2328, 2361, 2363, 2366, 2367, 2414, 2462, 2548, 2571, 2608, 2609, 2617, 2642, 2669, 2686, 2693, 2696, 2767, 2773, 2779, 2804, 2906, 2922, 2956, 2998, 3000, 3001, 3013, 3050, 3101, 3143, 3184, 3212, 3280, 3300, 3363, 3365, 3399, 3473 and 3475** and **HJRs 1026, 1027 and 1082**.

**HB 1471** – By Murphey of the House and Griffin of the Senate.

An Act relating to the Storage Tank Advisory Council; amending 17 O.S. 2011, Sections 314, 321, 325 and 356.1, which relate to the Oklahoma Storage Tank Regulation Act; terminating the Storage Tank Advisory Council by certain date; providing for activities and duties to be performed by the Corporation Commission; authorizing the Commission to promulgate rules; removing references to the Storage Tank Advisory Council; repealing 17 O.S. 2011, Section 340, which relates to the Storage Tank Advisory Council; and providing for noncodification.

**HB 1473** – By Murphey of the House and Brecheen of the Senate.

An Act relating to state government; amending 74 O.S. 2011, Sections 85.5, as amended by Section 737, Chapter 304, O.S.L. 2012 and 85.12 (74 O.S. Supp. 2013, Section 85.5), which relate to The Oklahoma Central Purchasing Act; modifying provisions related

to use of state purchasing card; modifying provisions related to acquisition of certain utility services; and providing an effective date.

**HB 2312** – By Morrissette, Echols and McBride of the House and Holt of the Senate.

An Act relating to torts; amending 76 O.S. 2011, Section 5.8, as amended by Section 1, Chapter 276, O.S.L. 2013 (76 O.S. Supp. 2013, Section 5.8), which relates to voluntary architectural or engineering services; modifying scope of immunity; providing immunity from liability when providing certain risk assessments; providing an exception; directing municipalities to comply with certain requirements in the event of certain damage or collapse of certain buildings; providing for codification; and providing an effective date.

**HB 2328** – By Bennett of the House and Allen of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 14-103G, as amended by Section 1, Chapter 221, O.S.L. 2013 (47 O.S. Supp. 2013, Section 14-103G), which relates to oversize annual permits; providing for certain annual permit option; limiting load size axles; requiring vehicle identification number to be on permit; setting fee; providing for certain delivery of permit; providing for certain replacement; amending 47 O.S. 2011, Section 14-118, as last amended by Section 30, Chapter 15, O.S.L. 2013 (47 O.S. Supp. 2013, Section 14-118), which relates to the Oklahoma Load Limit Map; requiring map be available on Internet; requiring periodic revision; and declaring an emergency.

**HB 2361** – By Cox and Pittman of the House and David of the Senate.

An Act relating to cigarette tax; amending 68 O.S. 2011, Section 317.8, which relates to actions to prevent or restrain violations; updating statutory citations; prohibiting the mailing, shipping or delivery of cigarettes to persons in this state; providing exceptions for certain types of persons and entities; defining certain terms; making it illegal for a common or contract carrier to knowingly transport cigarettes to nonexempt persons; allowing a certain number of cigarettes to be transported to a home or residence by certain persons; providing penalties for violations; making each illegal shipment or transport a separate violation; providing for deposit of civil penalties in the Attorney General's Evidence Fund; amending 68 O.S. 2011, Section 349.1, which relates to tobacco taxes on noncompacting tribes or nations; clarifying statutory citations; prohibiting traders from selling tobacco, cigars or cigarettes to persons under certain age; repealing 68 O.S. 2011, Sections 317.2, 317.3, 317.4, 317.5, as amended by Section 6, Chapter 357, O.S.L. 2012, 317.6 and 317.7 (68 O.S. Supp. 2013, Section 317.5), which relate to the requirements for the shipping and delivery of cigarettes; providing for codification; and providing an effective date.

**HB 2363** – By Cox of the House and Treat of the Senate.

An Act relating to cigarette tax; amending 68 O.S. 2011, Section 360.9, which relates to the listing of nonparticipating manufacturers in the Oklahoma Tobacco Directory; deleting certain listing requirements; requiring certain nonparticipating manufacturer to post certain bond; listing conditions which if met require the filing of a bond; listing conditions for determining noncompliance; deleting certain bonding requirements; deleting criteria for determining noncompliance with certain laws; deleting certain definition; deleting bonding requirement for certain manufacturer; defining an affiliate; listing

conditions a nonparticipating manufacturer shall meet to be included in the Oklahoma Tobacco Directory; establishing criteria and amount of bonds required of certain manufacturers; providing time period for posting a bond by certain manufacturers; authorizing execution of the bond for a certain amount upon the failure of a manufacturer to make a certain deposit; stating use of escrow amounts collected; authorizing the Attorney General to exclude a manufacturer from inclusion in the Directory under certain circumstances; authorizing the Attorney General to collect certain information and material from nonparticipating manufacturers; allowing the Attorney General when necessary to require certain wholesalers or distributors to file monthly reports; specifying reporting date; listing information required to be included in the report; requiring electronic filing of the report; allowing the Attorney General to establish alternative filing procedures and methods; authorizing the Attorney General to use report information to investigate and enforce certain laws and demonstrate certain compliance; providing for limited release of reports; providing for codification; and providing an effective date.

**HB 2366** – By Trebilcock, Turner and Kern of the House and Brinkley of the Senate.

An Act relating to civil procedure; creating the Oklahoma Citizens Participation Act; stating purpose of act; defining terms; providing for motion to dismiss certain actions; setting time limit for filing motion; permitting exception if good cause shown; suspending discovery; requiring hearing on motion; setting timing for hearing; extending timing of hearing if court allows limited discovery; specifying time period for court to rule on motion; directing dismissal if certain evidence is shown; prohibiting dismissal if certain evidence is shown; requiring court to consider pleadings and affidavits; authorizing court to allow limited discovery; directing court to issue findings if requested by the party filing the motion; prescribing time period for the findings; providing for appeal if court fails to rule on motion; directing appellate court to expedite appeal; mandating court to award costs, fees and other expenses if dismissed; providing for sanctions; permitting court to award costs and fees if motion is frivolous; excluding certain actions from the act; construing provisions of act; providing for codification; and providing an effective date.

**HB 2367** – By Trebilcock and Sherrer of the House and Shortey of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2011, Section 165, which relates to travel allowance; and modifying travel allowance for certain county officers.

**HB 2414** – By Nelson of the House and Treat of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 13-101.2, as amended by Section 1, Chapter 322, O.S.L. 2012 (70 O.S. Supp. 2013, Section 13-101.2), which relates to the Lindsey Nicole Henry Scholarships for Students with Disabilities Program; and exempting certain students from certain public school attendance requirement.

**HB 2462** – By Turner of the House and Shortey of the Senate.

An Act relating to higher education; creating the Oklahoma Student Loan Public University Competition Act; authorizing certain higher education institutions to establish tuition payback programs; specifying certain details of the program; providing for program allowing enrollment without payment of tuition or fees; providing for program where

institution pays off student loan obligations; establishing maximum income percentages for student contracts; setting percentages; allowing certain students to participate in the program; directing certain institutions to establish program participation policies; requiring institution to provide certain information to students; requiring execution of a contract; specifying certain contract provisions; allowing certain institutions to pay off or assume student loan obligations; allowing certain contracts for administration of a program; authorizing certain institutions to examine certain Oklahoma Tax Commission information and returns; amending 68 O.S. 2011, Section 205, as amended by Section 20, Chapter 227, O.S.L. 2013 (68 O.S. Supp. 2013, Section 205), which relates to records and files of the Oklahoma Tax Commission; adding exception for disclosure of certain information to certain higher education institutions for certain purpose; providing for codification; and providing an effective date.

**HB 2548** – By Nelson, McDaniel (Jeannie), Coody and Walker of the House and Crain of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 6-187, as last amended by Section 3, Chapter 336, O.S.L. 2013 (70 O.S. Supp. 2013, Section 6-187), which relates to teacher competency examinations; requiring certain subject area competency examinations to be offered in the native language of the teacher under certain circumstances; requiring additional examinations to be taken in English under certain circumstances; directing the State Board of Education to issue a restricted license or certificate; providing an effective date; and declaring an emergency.

**HB 2571** – By Hoskin of the House and Burrage of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 1-113, which relates to school district residency; providing certain child to be considered as resident of originating school district for school purposes; and providing an effective date.

**HB 2608** – By Williams and McDaniel (Jeannie) of the House and Burrage of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2011, Section 2-415, which relates to the Trafficking in Illegal Drugs Act; modifying penalty; and providing an effective date.

**HB 2609** – By Williams, Turner, Osborn, Sherrer, Hoskin and Shelton of the House and Burrage of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 18, as amended by Section 2, Chapter 183, O.S.L. 2012 (22 O.S. Supp. 2013, Section 18), which relates to the expungement of criminal records; modifying certain qualifications; providing for offenses arising out of the same transaction; making certain records kept by the Pardon and Parole Board subject to being sealed; and providing an effective date.

**HB 2617** – By Martin (Steve), Ritze and Bennett of the House and Sharp of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 344, O.S.L. 2013 (21 O.S. Supp. 2013, Section 1277),

which relates to the unlawful carrying of firearms; clarifying certain prohibited acts; deleting certain construing provision and administrative penalty; and providing an effective date.

**HB 2642** – By Denney, Coody, Condit, Henke, Sherrer, Hoskin, Nollan, Cannaday and Cockroft of the House and Halligan and Fields of the Senate.

[ schools - distribution of revenues - creating the Securing Educational Excellence Fund – effective date - emergency ]

**HB 2669** – By Derby of the House and Brinkley of the Senate.

An Act relating to information technology; amending 62 O.S. 2011, Section 34.32, as amended by Section 364, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2013, Section 34.32), which relates to standard risk assessments of state agencies; modifying requirement for a state agency to conduct an information security risk assessment; requiring risk assessment to be conducted by a third party; providing exception for certain state agencies; directing the Information Services Division of the Office of Management and Enterprise Services to approve certain number of firms; requiring certain state agencies to submit a final report; deleting certain penalty; deleting criteria for risk assessments; amending 62 O.S. 2011, Section 35.9, as last amended by Section 25, Chapter 358, O.S.L. 2013 (62 O.S. Supp. 2013, Section 35.9), which relates to quarterly progress reports under the Information Technology Consolidation and Coordination Act; adding certain information to report; providing an effective date; and declaring an emergency.

**HB 2686** – By Grau of the House and Holt of the Senate.

An Act relating to civil procedure; providing procedure for certain claims or challenges to state statute; requiring ruling by a panel of judges, with exception; requiring written opinion; providing for assumption of original jurisdiction by the Supreme Court; providing for codification; and providing an effective date.

**HB 2693** – By Johnson, McDaniel (Jeannie), Sherrer, Hoskin, Walker, Proctor and Shelton of the House and Barrington of the Senate.

[ revenue and taxation – sales tax – exemption – effective date – emergency ]

**HB 2696** – By Johnson and McDaniel (Jeannie) of the House and Barrington of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 5-110, as last amended by Section 1, Chapter 17, O.S.L. 2013 (70 O.S. Supp. 2013, Section 5-110), which relates to educational requirements for school board members; allowing school district boards of education to reduce or eliminate certain educational requirements for certain members; providing exception for certain types of instruction; and providing an effective date.

**HB 2767** – By Renegar and Hoskin of the House and Griffin of the Senate.

An Act relating to public health and safety; requiring Medicare home care agency to adopt certain policy; requiring certain applicants to undergo drug testing; providing for codification; and providing an effective date.

**HB 2773** – By Nollan, Condit, Roberts (Dustin), Sherrer, Shelton, Hoskin, Henke and Cannaday of the House and Paddock of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 1210.508C, as last amended by Section 96, Chapter 15, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.508C), which relates to the Reading Sufficiency Act; changing obsolete language; requiring certain reading instruction for students granted an appeal; directing school districts to adopt an appeal process for retained students; stating conditions for appeal; requiring the board of education to make a decision within certain number of days; requiring certain instruction for promoted students; and declaring an emergency.

**HB 2779** – By Lockhart of the House and Ellis of the Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2011, Section 510, as last amended by Section 1, Chapter 30, O.S.L. 2013 (57 O.S. Supp. 2013, Section 510), which relates to powers and duties of the Director of the Department of Corrections; modifying duties to include establishment of an emergency alert notification system; and providing an effective date.

**HB 2804** – By Biggs and Jackson of the House and Justice of the Senate.

[ prisons and reformatories - jail reimbursement rates – limits - effective date ]

**HB 2906** – By Derby of the House and Standridge of the Senate.

An Act relating to poor persons; requiring certain individual to make certain designations; providing for codification; and providing an effective date.

**HB 2922** – By Coody, Roberts (Dustin), McDaniel (Jeannie) and Russ of the House and Fields of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 1210.508C, as last amended by Section 96, Chapter 15, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.508C), which relates to the Reading Sufficiency Act; changing obsolete language; allowing parents or guardians, building administrators and teachers to make retention decision under certain circumstances; requiring certain reading instruction for students otherwise promoted; amending 70 O.S. 2011, Section 1210.523, as last amended by Section 2, Chapter 403, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.523), which relates to requirement for mastery of state academic content standards; providing exemption from demonstrating mastery on certain end-of-instruction tests under certain circumstances; and declaring an emergency.

**HB 2956** – By Cockroft, Sherrer and Hoskin of the House and Sharp of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 3903, as amended by Section 27, Chapter 227, O.S.L. 2013 (68 O.S. Supp. 2013, Section 3903), which relates to the Small Employer Quality Jobs Incentive Act; modifying definition; providing an effective date; and declaring an emergency.

**HB 2998** – By Stiles of the House and Anderson of the Senate.

An Act relating to open records; requiring certain records to be considered as public records; permitting court to seal a record in certain instance; making certain requirements

when record is sealed; requiring Supreme Court of Oklahoma to make certain rules; requiring court clerks to obey and follow rules; providing for codification; and providing an effective date.

**HB 3000** – By Stiles of the House and Brooks of the Senate.

An Act relating to civil procedure; amending 12 O.S. 2011, Section 1805, which relates to the Dispute Resolution Act; requiring mediation program disclose certain information if ordered by the court; and providing an effective date.

**HB 3001** – By Stiles and Sherrer of the House and Crain of the Senate.

An Act relating to child support; amending 43 O.S. 2011, Section 111.1, which relates to visitation; permitting court to suspend support payments if parent prevents visitation or hides child; requiring payments until otherwise ordered by court; and providing an effective date.

**HB 3013** – By Roberts (Sean) of the House and Dahm of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1289.3, which relates to the Oklahoma Firearms Act of 1971; clarifying language; and providing an effective date.

**HB 3050** – By Murphey of the House and Griffin of the Senate.

An Act relating to state government; amending Section 2, Chapter 209, O.S.L. 2013 (74 O.S. Supp. 2013, Section 61.8), which relates to the Long-Range Capital Planning Commission; restricting certain in-kind transfers involving real property; authorizing Long-Range Capital Planning Commission to order reversal of transactions; prescribing procedures; providing procedures related to underutilized properties; prescribing procedures related to liquidation; amending 74 O.S. 2011, Sections 99, as amended by Section 800, Chapter 304, O.S.L. 2012, and as renumbered by Section 22, Chapter 209, O.S.L. 2013, 126.1, as amended by Section 814, Chapter 304, O.S.L. 2012, and as renumbered by Section 34, Chapter 209, O.S.L. 2013, 126.2, as amended by Section 5, Chapter 209, O.S.L. 2013, and as renumbered by Section 35, Chapter 209, O.S.L. 2013, 128.2, as last amended by Section 6, Chapter 209, O.S.L. 2013, and as renumbered by Section 37, Chapter 209, O.S.L. 2013, 128.3, as amended by Section 817, Chapter 304, O.S.L. 2012, and as renumbered by Section 38, Chapter 209, O.S.L. 2013, 129.4, as last amended by Section 7, Chapter 209, O.S.L. 2013, and as renumbered by Section 39, Chapter 209, O.S.L. 2013, 129.6, as amended by Section 820, Chapter 304, O.S.L. 2012, and as renumbered by Section 42, Chapter 209, O.S.L. 2013, and 129.7, as amended by Section 4, Chapter 344, O.S.L. 2012, and as renumbered by Section 43, Chapter 209, O.S.L. 2013 (61 O.S. Supp. 2013, Sections 310, 322, 323, 325, 326, 327, 330 and 331), which relate to procedures related to sale and lease of real property owned by the State of Oklahoma; modifying statutory references; modifying procedures related to disposition of certain real property; imposing certain notice requirements; authorizing Office of Management and Enterprise Services to dismiss certain appraisals from consideration; repealing 74 O.S. 2011, Section 129.8, as amended by Section 821, Chapter 304, O.S.L. 2012, and as renumbered by Section 44, Chapter 209, O.S.L. 2013 (61 O.S. Supp. 2013, Section 332), which relates to transfer of certain real property; and providing an effective date.

**HB 3101** – By Jackson of the House and Schulz of the Senate.

[ revenue and taxation – documentary stamp tax revenues – use of revenues – effective date – emergency ]

**HB 3143** – By Jackson of the House and Schulz of the Senate.

[ cities and towns - taxation of annexed territory - effective date ]

**HB 3184** – By McBride of the House and Newberry of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 1151.2, 1151.3, 1151.4, 1151.5, 1151.7, 1151.8, 1151.9, 1151.10, 1151.12, 1151.14, 1151.15 and 1151.17, which relate to the Roofing Contractor Registration Act; defining terms; authorizing Construction Industries Board to enforce certain provisions; modifying registration requirements; requiring annual registration; prohibiting certain actions; providing for penalties; providing for additional powers and duties of the Board; providing for reciprocity agreements; requiring written applications for registration; modifying information required for registration; modifying refusal of registration; modifying limitations of registration certificate; modifying expiration of certificate; requiring individual roofing contractor registration for certain entities; modifying exemptions; modifying issuance and denial of registration; providing for issuance of commercial roofer endorsement; modifying renewal of certificate; modifying filing of complaint with registrar; authorizing Board to investigate complaints; modifying notice procedures; modifying disclosure of certificate number; providing for examination procedures; creating Committee of Roofing Examiners; providing for membership of Committee; providing for powers and duties of Committee; providing for powers and duties of the Roofing Hearing Board; creating the Oklahoma State Roofing Installation Code Variance and Appeals Board; providing for powers and duties of Board; providing for membership of Board; providing for codification; and providing an effective date.

**HB 3212** – By Billy, Sherrer, McDaniel (Jeannie) and Shelton of the House and Brecheen of the Senate.

[ prisons and reformatories - maximum capacity of correctional facilities - parole consideration - effective date ]

**HB 3280** – By Mulready of the House and Stanislawski of the Senate.

[ insurance - authorizing the creation of nonprofit health maintenance organization corporations - effective date - emergency ]

**HB 3300** – By Osborn of the House and Treat of the Senate.

[ civil procedure - class action lawsuits - effective date ]

**HB 3363** – By Echols of the House and Treat of the Senate.

[ cities and towns – procedures to abate public nuisance – effective date ]

**HB 3365** – By Echols, Turner and McCullough of the House and Loveless of the Senate.

An Act relating to product liability; providing certain rebuttable presumptions in product liability actions; providing grounds for rebutting presumptions; providing circumstances for which a product liability action may be asserted; limiting discovery; providing for liability under certain circumstances; providing for codification; and providing an effective date.

**HB 3399** – By Hickman, Nelson, Kern, Bennett, Ortega, McCullough and Cockroft of the House and Brecheen of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 11-103.6a, which relates to the review of adopted curriculum; changing references from curriculum to standards; requiring subject matter standards and changes to standards to be adopted pursuant to a certain portion of the Administrative Procedures Act; modifying date for certain revisions; deleting requirement to adopt revisions to certain subject area standards to align with Common Core standards; requiring certain revisions to certain subject area standards; defining revised standards; directing the State Board of Education to develop and administer high-quality assessments aligned with certain subject matter curriculum; prohibiting state officials and entities from entering into agreements or contracts which cede state control over state education standards and assessments; directing state officials and entities to initiate amendment to certain agreements, memoranda of understanding or contracts; allowing waivers from federal law under certain conditions; allowing the State Department of Education and school districts to recognize and align courses with certain standards and assessments; directing the Board to maintain independence over certain standards and assessments; allowing certain benchmarking; requiring certain standards and assessments to be controlled by the state; authorizing school districts to determine instructional material and curriculum; allowing school districts to adopt additional supplementary assessments; directing the Board to amend or repeal certain rules under certain circumstances; directing the Board to begin the revision process to certain standards; requiring opportunity for public comment; requiring revisions to reflect direct application to certain proficiencies; prohibiting the inclusion of certain questions in standards and assessments; requiring the Board to make comparison of certain standards; listing areas of comparison; requiring submission of a report to certain persons; and declaring an emergency.

**HB 3473** – By Nelson, Pittman and Nollan of the House and Treat of the Senate.

An Act relating to children; amending 10A O.S. 2011, Section 1-6-105, as amended by Section 2, Chapter 343, O.S.L. 2012 (10A O.S. Supp. 2013, Section 1-6-105), which relates to child death or near death reports; providing statements expressing sympathy by Department of Human Services are inadmissible; and providing an effective date.

**HB 3475** – By Nelson and Nollan of the House and Treat of the Senate.

An Act relating to foster parents; amending 10A O.S. 2011, Section 1-9-119, which relates to foster parent rights; providing additional right to be given copy of certain liability insurance policy; and providing an effective date.

**HJR 1026** – By Fisher, Kern, Bennett, Christian, Murphey, Roberts (Sean), Walker, Cockroft, Wood, Blackwell, Osborn, Enns, Moore, Wesselhoft, Newell, Sears, Vaughan,

Ritze, Reynolds, Schwartz, Scott, Grau, McDaniel (Randy), Pittman, McCullough, Sherrer, Inman, Proctor, Hoskin, Martin (Steve) and Turner of the House and Treat, Anderson, Dahm, Holt, Brecheen, Sharp, Allen and Griffin of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 26 of Article II of the Constitution of the State of Oklahoma; clarifying manner in which citizens may keep and bear arms; clarifying legislative authority; prohibiting certain laws; providing ballot title; and directing filing.

**HJR 1027** – By McDaniel (Randy) of the House and Mazzei of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 13 to Article XXIII; imposing duty on Legislature with respect to funding sources for retirement and pension systems; imposing requirement for actuarial investigation; prohibiting enactment of laws violative of certain restriction governing plan assets; imposing duty of care with respect to investment of funds; providing ballot title; and directing filing.

**HJR 1082** – By Banz of the House and Loveless of the Senate.

A Joint Resolution calling a Constitutional Convention to alter, revise, or amend the present Constitution of the State of Oklahoma or to propose a new Constitution; fixing the time and place thereof; providing for selection of delegates to the Convention; providing requirements and restrictions for eligibility; creating a Constitutional Convention Commission; stating purpose; providing for composition; providing for election of officers and organization of the Constitutional Convention; providing oath of office; providing for recall and penalty for violation of oath; providing for employment of staff; providing for rules of procedure; prohibiting consideration of certain provisions of the Constitution; providing for working draft to be considered by the Constitutional Convention; providing voting requirements for certain actions; providing for compensation of delegates; providing for payment of expenses of the Convention; providing for submission of constitutional changes to the voters of the state; providing for submission of this joint resolution to a vote of the people; providing ballot title; and directing filing.

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 Monday, March 17, 2014, at 1:30 p.m., which motion prevailed.

## **SECOND READING**

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

**HB 1112** – Judiciary

- HB 1674** – Rules
- HB 1707** – Transportation and then to Appropriations
- HB 2199** – Rules
- HB 2317** – Education
- HB 2330** – Public Safety and then to Appropriations
- HB 2343** – Judiciary
- HB 2349** – Public Safety and then to Appropriations
- HB 2353** – Public Safety and then to Appropriations
- HB 2357** – Education
- HB 2358** – Education
- HB 2359** – Education
- HB 2360** – Education
- HB 2375** – Veterans and Military Affairs
- HB 2376** – Veterans and Military Affairs
- HB 2379** – Judiciary
- HB 2406** – Insurance
- HB 2418** – Health and Human Services and then to Appropriations
- HB 2441** – Public Safety and then to Appropriations
- HB 2487** – Health and Human Services
- HB 2492** – Education
- HB 2500** – Rules and then to Appropriations
- HB 2505** – Business and Commerce
- HB 2509** – Finance
- HB 2520** – Public Safety
- HB 2530** – Judiciary and then to Appropriations
- HB 2533** – Energy
- HB 2534** – Finance
- HB 2539** – Public Safety
- HB 2541** – Judiciary
- HB 2559** – Health and Human Services
- HB 2566** – Agriculture and Rural Development
- HB 2576** – Rules
- HB 2580** – Finance
- HB 2589** – Public Safety and then to Appropriations
- HB 2616** – Public Safety
- HB 2620** – General Government
- HB 2625** – Education
- HB 2629** – Rules
- HB 2637** – Agriculture and Rural Development
- HB 2639** – Education and then to Appropriations
- HB 2665** – Health and Human Services
- HB 2666** – Health and Human Services
- HB 2676** – Rules
- HB 2682** – Education

**HB 2683** – Education  
**HB 2706** – Public Safety  
**HB 2707** – Finance  
**HB 2711** – Finance  
**HB 2720** – Finance  
**HB 2748** – Insurance  
**HB 2791** – Health and Human Services  
**HB 2807** – Judiciary  
**HB 2837** – Rules  
**HB 2840** – Public Safety  
**HB 2841** – Tourism and Wildlife  
**HB 2842** – Appropriations  
**HB 2911** – Education  
**HB 2914** – Business and Commerce  
**HB 2929** – Insurance and then to Appropriations  
**HB 2931** – Education  
**HB 2934** – Veterans and Military Affairs  
**HB 2939** – Finance  
**HB 2955** – Public Safety and then to Appropriations  
**HB 2976** – Health and Human Services  
**HB 2999** – Judiciary  
**HB 3006** – Education  
**HB 3012** – Public Safety  
**HB 3016** – Public Safety  
**HB 3055** – Appropriations  
**HB 3087** – Appropriations  
**HB 3090** – Finance  
**HB 3100** – Finance  
**HB 3102** – Energy  
**HB 3131** – General Government  
**HB 3135** – Tourism and Wildlife  
**HB 3142** – Finance  
**HB 3156** – Public Safety  
**HB 3159** – Judiciary  
**HB 3160** – Agriculture and Rural Development  
**HB 3165** – Health and Human Services  
**HB 3176** – General Government  
**HB 3177** – Tourism and Wildlife and then to Appropriations  
**HB 3188** – Judiciary  
**HB 3193** – General Government  
**HB 3201** – General Government  
**HB 3250** – Judiciary  
**HB 3251** – General Government  
**HB 3254** – Judiciary

- HB 3276** – General Government
- HB 3287** – Insurance
- HB 3297** – Energy
- HB 3348** – Agriculture and Rural Development
- HB 3457** – General Government
- HB 3469** – Health and Human Services
- HB 3496** – Public Safety

#### **CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

- HB 2366** - Coauthored by Nollan
- HB 2548** - Coauthored by Henke
- HB 2608** - Coauthored by McDaniel (Jeannie)
- HB 2609** - Coauthored by Shelton
- HB 2642** - Coauthored by Cockroft
- HB 2691** - Coauthored by Christian
- HB 2693** - Coauthored by Shelton
- HB 2763** - Coauthored by Shelton
- HB 2773** - Coauthored by Cannaday
- HB 2922** - Coauthored by Pittman
- HB 3212** - Coauthored by McDaniel (Jeannie), Shelton
- HB 3399** - Coauthored by Cockroft

Pursuant to the Schulz motion, the Senate adjourned at 11:45 to meet Monday, March 17, 2014, at 1:30 p.m.