

Senate Journal

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

Twenty-fifth Legislative Day, Monday, March 17, 2014

The Senate was called to order by Senator Fields.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Standridge, Stanislawski, Sykes, Treat and Wyrick.—42.

Excused: Branan, Coates, Marlatt, Mazzei, Shortey, and Sparks.—6.

Senator Fields declared a quorum present.

The prayer was offered by Doug Jones, First Baptist Church, Harrah, the guest of Senator Sharp.

INTRODUCTIONS

Senator Burrage introduced his mother, Aletha; wife, Carole; sons, Truman and Carter; brother and sister in law, David and Heather; and niece and nephew, Blair and Jack; Senator Standridge introduced his children, Holly, Harper and Harris, to the Senate.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 594, 1495, 1499, 1601, 1812, 1859, 1884 and 2122 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Crain asked unanimous consent to refer **SR 46** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 46 by Crain et al was called up for consideration.

All other members of the Senate asked to coauthor **SR 46**, which was the order.

SR 46 was adopted upon motion of Senator Crain and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Brooks asked unanimous consent to refer **SR 50** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 50 by Brooks was called up for consideration.

All other members of the Senate asked to coauthor **SR 50**, which was the order.

SR 50 was adopted upon motion of Senator Brooks and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Ellis asked unanimous consent to refer **SCR 32** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 32 by Ellis of the Senate and McDaniel (Curtis) of the House was called up for consideration.

SCR 32 was adopted upon motion of Senator Ellis and referred for engrossment.

All other members of the Senate, except Senators Holt and Treat, asked to coauthor **SCR 32**, which was the order.

SCR 32 was adopted upon motion of Senator Bingman and referred for enrollment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1368, 2130, 2134, 2326, 2384, 2446, 2480, 2526, 2531, 2554, 2562, 2574, 2585, 2604, 2643, 2644, 2667, 2674, 2796, 2887, 2900, 2992, 3089, 3119, 3133, 3151, 3170, 3215, 3216, 3240, 3282, 3337, 3417 and 3474** and **HJRs 1003, 1009, 1033, 1034 and 1092**.

HB 1368 – By Dank of the House and Loveless of the Senate.

An Act relating to ethics; amending 51 O.S. 2011, Sections 304 and 314, which relate to the Political Subdivisions Ethics Act; modifying definitions; modifying the filing of certain reports; amending Rule 257:10-1-14 of the Rules of the Ethics Commission (74 O.S. 2011, Chapter 62, App.), which relates to contents of report; modifying amount of campaign expenditure required to report; providing an effective date; and declaring an emergency.

HB 2130 – By Nelson of the House and Griffin of the Senate.

[children and juvenile code – termination of parental rights – effective date]

HB 2134 – By Hickman of the House and Marlatt of the Senate.

An Act relating to elections; amending 26 O.S. 2011, Section 1-108, which relates to formation of political parties; modifying requirements for formation of a recognized political party; and providing an effective date.

HB 2326 – By Glenn of the House and Wyrick of the Senate.

An Act relating to public trusts; amending 60 O.S. 2011, Section 176, which relates to public trust purchasing procedures; modifying provisions related to purchases by public trusts involving state contracts; and providing an effective date.

HB 2384 – By Cox of the House and Crain of the Senate.

[public health and safety - creating Medicaid Sustainability and Cost Containment Act - effective date]

HB 2446 – By Rousselot of the House and Ballenger of the Senate.

[revenue and taxation – homestead exemption – amount - effective date]

HB 2480 – By Joyner and Morrissette of the House and Barrington of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 1370.7, which relates to regional economic development and transportation authorities; modifying definitions; adding definition; providing for regional districts; establishing governance requirements for certain authorities; modifying duration of certain tax levies; modifying

apportionment within the regional district of excess tax levies; and providing an effective date.

HB 2526 – By Floyd and Sherrer of the House and Holt of the Senate.

An Act relating to domestic violence; amending 21 O.S. 2011, Section 142A-3, which relates to informing victims of certain rights; directing peace officers to make certain assessment; providing questions for lethality assessment; providing for referrals; and providing an effective date.

HB 2531 – By Floyd of the House and Griffin of the Senate.

An Act relating to the Oklahoma Horse Racing Commission; amending 3A O.S. 2011, Section 203.3, which relates to the Oklahoma Horse Racing Act; authorizing the executive director of the Oklahoma Horse Racing Commission to purchase motor vehicles, uniforms and equipment; amending 47 O.S. 2011, Section 156, which relates to purchasing motor vehicles with public funds; authorizing the Horse Racing Commission to purchase certain motor vehicles; and providing an effective date.

HB 2554 – By ODonnell, Sherrer and Hoskin of the House and Halligan of the Senate.

An Act relating to professions and occupations; requiring the Oklahoma Board of Nursing to develop guidelines for certain nursing education programs; providing for codification; and providing an effective date.

HB 2562 – By Hickman and Dank of the House and Marlatt of the Senate.

An Act relating to revenue and taxation; enacting the Gross Production Tax Technical Amendments Act of 2014; and providing for noncodification.

HB 2574 – By Hoskin and Billy of the House and Sparks of the Senate.

An Act relating to American Indian Arts and Crafts; amending 78 O.S. 2011, Sections 73, 74 and 75, which relate to the American Indian Arts and Crafts Sales Act of 1974; clarifying statutory language; modifying definitions; and providing an effective date.

HB 2585 – By Peterson, Kern, Pittman and Derby of the House and Paddock of the Senate.

An Act relating to children; permitting application for emergency hearing in deprived child cases; directing court to conduct hearing; providing hearing before presiding judge; authorizing court to issue emergency order; requiring court assess certain costs, fees and expenses in certain circumstances; requiring payment within certain time; providing punishment for failure to comply; providing for codification; and providing an effective date.

HB 2604 – By Williams and Pittman of the House and Burrage of the Senate.

An Act relating to adoption; amending 10 O.S. 2011, Section 7502-1.2, which relates to venue; permitting venue where termination proceedings took place; and providing an effective date.

HB 2643 – By Denney of the House and Halligan of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 2357.206, which relates to the Oklahoma Equal Opportunity Education Scholarship Act; modifying provisions related to reduction of tax credit amounts; modifying provisions related to allocation of tax credits; providing for increase in certain tax credits related to scholarship-granting organizations; providing for allocation of tax credits based upon entities treated as partnerships for purposes of federal income taxation; providing for maximum credits available; prescribing method for allocation of tax credits; modifying provisions related to computation of per-pupil expenditures; and providing an effective date.

HB 2644 – By Kouplen of the House and Paddock of the Senate.

An Act relating to higher education; amending 70 O.S. 2011, Sections 2603, as amended by Section 24, Chapter 11, O.S.L. 2012 and 2605, as amended by Section 26, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2013, Sections 2603 and 2605), which relate to the Oklahoma Higher Learning Access Act; making certain students eligible to participate in the Oklahoma Higher Learning Access Program; specifying eligibility criteria; expanding participation agreement requirements; expanding authorization for certain students to enter into participation by executing certain agreement; deleting income determination for certain students; providing an effective date; and declaring an emergency.

HB 2667 – By Derby and McCullough of the House and Sykes of the Senate.

An Act relating to children; amending 10A O.S. 2011, Section 1-4-902, which relates to termination of parental rights; modifying listed acts requiring termination; requiring termination if no measurable progress in certain time period; and providing an effective date.

HB 2674 – By Derby and Ritze of the House and Standridge of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 622, 624 and 626, which relate to the Oklahoma Osteopathic Medicine Act; modifying license requirements; providing for per diem and travel expenses for members of the State Board of Osteopathic Examiners; modifying hiring of certain personnel; providing for temporary resident license for out-of-state residents; providing for resident training license for certain persons; providing for codification; and providing an effective date.

HB 2796 – By McCullough and Nollan of the House and Standridge of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2011, Section 5006, which relates to the powers and duties of the Oklahoma Health Care Authority; adding duty of the Authority; and providing an effective date.

HB 2887 – By Enns, Turner, Bennett, Ritze and Cockroft of the House and Griffin 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; authorizing a college, university or technology center school to establish certain policy; deleting administrative hearing

requirement and fine; providing immunity from certain liability; and providing an effective date.

HB 2900 – By Morrissette of the House and Wyrick of the Senate.

[cedar trees - moving administration and support of the Eastern Red Cedar Registry Board – creating Oklahoma Resource Reclamation Act – effective date – emergency]

HB 2992 – By Perryman and Pittman of the House and Sparks of the Senate.

An Act relating to children and juvenile code; amending 10A O.S. 2011, Section 2-2-103, which relates to municipal jurisdiction of children; deleting obsolete language; and providing an effective date.

HB 3089 – By Sanders of the House and Ballenger of the Senate.

An Act relating to professions and occupations; providing for regulation of fire sprinklers; authorizing State Fire Marshal Commission to promulgate rules; providing that certain code governs sprinkler requirement; creating the Fire Sprinkler Industry Committee; providing for members, terms, vacancies, quorum, meetings and duties of the Committee; creating the Fire Sprinkler System Revolving Fund; requiring certain license; establishing qualifications, examination and fees for licensure; providing for codification; and providing an effective date.

HB 3119 – By Roberts (Sean) of the House and Fields of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Sections 2876 and 2877, as amended by Section 2, Chapter 164, O.S.L. 2012 (68 O.S. Supp. 2013, Section 2877), which relate to protests regarding valuation increases; requiring assessor to provide multiple dates for informal conference; requiring county board of equalization to provide multiple dates for presentation of evidence; prohibiting final determinations of value under certain circumstances; and providing an effective date.

HB 3133 – By Jackson of the House and Marlatt of the Senate.

[transportation - creating Municipal Roads and Bridges Revolving Fund Act - creating Municipal Roads and Bridges Revolving Fund - effective date]

HB 3151 – By Peterson, Nollan and Kern of the House and Griffin of the Senate.

An Act relating to the Department of Human Services; amending 56 O.S. 2011, Section 162, as amended by Section 1, Chapter 344, O.S.L. 2012 (56 O.S. Supp. 2013, Section 162), which relates to the duties and powers of the Department; modifying contents of annual report; and providing an effective date.

HB 3170 – By Blackwell, Shelton, Hickman and Nollan of the House and Stanislawski of the Senate.

An Act relating to schools; 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 mastery of state academic content standards in designated subjects requirements; exempting students from demonstrating mastery on certain tests after certain conditions are

met; expanding certain exemption from certain subject area tests; providing an effective date; and declaring an emergency.

HB 3215 – By Hickman of the House and Sykes of the Senate.

An Act relating to medical expenses for persons in the custody of county jails; amending 20 O.S. 2011, Section 1313.7, which relates to the Medical Expense Liability Revolving Fund; modifying minimum expense amount; and providing an effective date.

HB 3216 – By Hickman of the House and Marlatt of the Senate.

An Act relating to tax relief with respect to certain tornadic storms; amending 47 O.S. 2011, Section 1132.3, as amended by Section 1, Chapter 370, O.S.L. 2013 (47 O.S. Supp. 2013, Section 1132.3), which relates to motor vehicle registration; providing credit against registration fee with respect to certain vehicles; amending 68 O.S. 2011, Section 1362, as amended by Section 2, Chapter 370, O.S.L. 2013 (68 O.S. Supp. 2013, Section 1362), which relates to sales tax; providing exemption from sales tax on certain withdrawals from inventory; amending 68 O.S. 2011, Section 1367.1, as amended by Section 3, Chapter 370, O.S.L. 2013 (68 O.S. Supp. 2013, Section 1367.1), which relates to sales tax reports; authorizing deduction from tax with respect to certain delinquent tax reports; amending 68 O.S. 2011, Section 2103.1, as amended by Section 4, Chapter 370, O.S.L. 2013 (68 O.S. Supp. 2013, Section 2103.1), which relates to motor vehicle excise tax; authorizing credit with respect to tax paid on certain replacement vehicles; amending Section 5, Chapter 370, O.S.L. 2013 (68 O.S. Supp. 2013, Section 2357.29A), which relates to an income tax credit; authorizing income tax credit with respect to destruction or damage of certain residences; amending 68 O.S. 2011, Section 2888, as amended by Section 6, Chapter 370, O.S.L. 2013 (68 O.S. Supp. 2013, Section 2888), which relates to homesteads; modifying statutory reference; amending 68 O.S. 2011, Section 2892, as amended by Section 7, Chapter 370, O.S.L. 2013 (68 O.S. Supp. 2013, Section 2892), which relates to homestead exemptions; modifying statutory reference; and declaring an emergency.

HB 3240 – By Scott, Kern, Pittman, Shelton, Sherrer, Hoskin and Nollan of the House and Anderson 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; modifying criteria for certain good-cause exemptions; adding certain good-cause exemption; adding documentation requirements; and declaring an emergency.

HB 3282 – By Mulready of the House and Stanislawski of the Senate.

[insurance – group and blanket accident and health insurance - repealing Health Insurance High Risk Pool Act - effective date]

HB 3337 – By Inman of the House and Burrage of the Senate.

An Act relating to state government; amending Section 1, Chapter 140, O.S.L. 2012 and 74 O.S. 2011, Section 840-2.28, as amended by Section 889, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2013, Sections 840-2.20C and 840-2.28), which relate to the Oklahoma

Personnel Act; requiring furlough notice be provided to certain entities; providing exception; requiring plan be provided to certain entity; and providing an effective date.

HB 3417 – By Shelton and McDaniel (Jeannie) of the House and Coates of the Senate.

An Act relating to criminal procedure; prohibiting non-law-enforcement entities or persons from participating in roadside traffic stops; providing for codification; and providing an effective date.

HB 3474 – By Nelson and Nollan of the House and Treat of the Senate.

An Act relating to child abuse; amending 21 O.S. 2011, Section 843.5, which relates to criminal penalties for child abuse; modifying definition of child abuse; updating statutory references; and providing an effective date.

HJR 1003 – By Grau, ODonnell, Quinn and Casey of the House and Holt of the Senate.

[Oklahoma Constitution – legislative sessions – budgets – ballot title – filing]

HJR 1009 – By Dank, Wesselhoft, Cooksey, Cleveland, Hamilton, Hulbert and Hall of the House and Treat 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 8C of Article X of the Constitution of the State of Oklahoma; modifying provisions related to certain qualifying income; providing ballot title; and directing filing.

HJR 1033 – By Hickman of the House and Marlatt of the Senate.

[Oklahoma Constitution – bonds - State Capitol - ballot title – filing]

HJR 1034 – By Hickman of the House and Brecheen 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 23 of Article V of the Constitution of the State of Oklahoma; modifying provisions related to certain activity authorized for legislators; prohibiting compensation, remuneration or reimbursement from state governmental entities for prescribed period; providing exception for legislators returning to certain employment; providing ballot title; and directing filing.

HJR 1092 – By McBride, Echols, Turner and Wesselhoft of the House and Sykes 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 X of the Constitution of the State of Oklahoma; authorizing school districts to issue bonds for secure facilities; prescribing procedures for voter approval; prescribing method for determination of sinking fund millage rate; providing indebtedness incurred pursuant to specific provisions included within indebtedness limitation; providing exception; prescribing maximum maturity of obligations; prohibiting submission of question pursuant to specified provision more than one time; setting time limit for submission of question; providing ballot title; and directing filing.

The above-numbered measures were read the first time.

REQUEST TO RECESS

Senator Schulz moved to request the Honorable House to consent to the adjournment of the Senate in the Second Regular Session of the 54th Legislature for a period of more than three days, pursuant to Article 5, Section 30 of the Oklahoma Constitution, beginning on Thursday, March 20, 2014 and ending on Monday, March 24, 2014, which motion was declared adopted.

MESSAGE FROM THE HOUSE

Advising the Honorable Senate pursuant to Article 5, Section 30 of the Oklahoma Constitution that the House requests the Honorable Senate to grant the request of the House to adjourn for more than three (3) days beginning Thursday, March 20, 2014 and ending Monday, March 24, 2014.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, March 18, 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:

HB 2354 – Education

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

HB 2356 – Education

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

HB 2357 – Education

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

HB 2358 – Education

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

HB 2359 – Education

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

HB 2360 – Education

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

HB 2566 – Agriculture and Rural Development

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

HB 2626 – Education

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

HB 2765 – Agriculture and Rural Development

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

HB 3160 – Agriculture and Rural Development

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

DO PASS, As Amended:

CS for HB 3348 – Agriculture and Rural Development

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

SECOND READING

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

HB 1454 – Finance

HB 1581 – Health and Human Services and then to Appropriations

HB 2329 – Public Safety

HB 2342 – Judiciary

HB 2373 – Transportation

HB 2374 – Veterans and Military Affairs

HB 2377 – Appropriations

HB 2387 – Public Safety

HB 2438 – Judiciary and then to Appropriations

HB 2444 – Health and Human Services

HB 2488 – Finance

HB 2508 – Finance

HB 2536 – Judiciary

HB 2591 – Rules

HB 2596 – Public Safety

HB 2603 – Health and Human Services

HB 2614 – Public Safety

HB 2621 – Finance

HB 2627 – Business and Commerce

HB 2684 – Rules
HB 2763 – Finance
HB 2831 – Appropriations
HB 2832 – Finance
HB 2838 – Finance
HB 2851 – Judiciary
HB 2871 – Finance
HB 2873 – Education
HB 2885 – Education and then to Appropriations
HB 2888 – Public Safety
HB 2913 – Finance
HB 2926 – Insurance
HB 2954 – Energy and then to Appropriations
HB 2977 – Energy
HB 2985 – Finance
HB 2994 – Insurance and then to Appropriations
HB 3024 – Appropriations
HB 3025 – Appropriations
HB 3134 – Tourism and Wildlife
HB 3294 – General Government and then to Appropriations
HB 3350 – Education and then to Appropriations
HB 3360 – Public Safety
HB 3375 – Judiciary
HB 3394 – Public Safety
HB 3403 – Health and Human Services

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SCR 32 - Coauthored by all other Senators except Holt, Treat
SR 46 - Coauthored by David
Coauthored by all other Senators
SR 50 - Coauthored by all other Senators
HB 3399 - Coauthored by Brinkley, Sykes
Coauthored by Brumbaugh

Pursuant to the Schulz motion, the Senate adjourned at 2:15 p.m. to meet Tuesday, March 18, 2014, at 1:30 p.m.