

# Senate Journal

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

**Forty-sixth Legislative Day, Thursday, April 24, 2014**

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: 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, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Standridge, Stanislawski, Sykes, Treat and Wyrick.—46.

Excused: Bingman and Sparks. — 2.

Senator Stanislawski declared a quorum present.

The prayer was offered by H. David McKellips, District Superintendent, Church of the Nazarene, the guest of Senator Mazzei.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1378, 2134, 2379, 2384, 2387, 2620, 2642, 2643, 2688, 2720, 2851, 2954, 2955, 3293, 3294, 3345 and 3359 and HJRs 1026 and 1092** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 711, 1181, 1246, 1422, 1448, 1585, 1610 and 1653 and SCR 36** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Sykes asked unanimous consent to refer **SR 75** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 75** by Sykes was called up for consideration.

All other members of the Senate asked to coauthor **SR 75**, which was the order.

**SR 75** was adopted upon motion of Senator Sykes and referred for enrollment.

**INTRODUCTION**

Senator Coates introduced his son, Andrew, to the Senate.

**GENERAL ORDER**

**HB 2621** by Reynolds and Bennett of the House and Brecheen of the Senate was called up for consideration.

Senator Brecheen moved to amend **HB 2621**, 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 Brecheen moved to amend the floor substitute to **HB 2621**, Page 1, by restoring the title and enacting clause, which amendment was declared adopted.

Senator Brecheen moved that **HB 2621** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2621** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Simpson, Standridge, Stanislawski, Sykes, Treat and Wyrick.--39.

Excused: Allen, Bingman, Ivester, Johnson (C), Marlatt, Mazzei, Shortey, Shumate and Sparks.--9.

The bill passed.

**HB 2621** was referred for engrossment.

### **GENERAL ORDER**

**HB 3143** by Jackson of the House and Schulz of the Senate was called up for consideration.

Senator Schulz moved to amend **HB 3143**, Page 1, by restoring the title and enacting clause, which amendment was declared adopted.

Senator Schulz moved that **HB 3143** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 3143** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Simpson, Standridge, Stanislowski, Treat and Wyrick.--39.

Excused: Allen, Bingman, Halligan, Ivester, Johnson (C), Shortey, Shumate, Sparks and Sykes.--9.

The bill passed.

**HB 3143** was referred for engrossment.

### **GENERAL ORDER**

**HB 3213** by Hickman of the House and Schulz of the Senate was called up for consideration.

Senator Schulz moved that **HB 3213** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 3213** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Simpson, Standridge, Stanislawski, Treat and Wyrick.--39.

Excused: Allen, Bingman, Ivester, Johnson (C), Mazzei, Shortey, Shumate, Sparks and Sykes.--9.

The bill passed.

**HB 3213** was referred for engrossment.

### **GENERAL ORDER**

**HB 2617** by Martin (Steve) et al of the House and Sharp of the Senate was called up for consideration.

Senator Sharp moved that **HB 2617** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2617** was read for the third time at length.

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

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

Excused: Allen, Bingman, Ivester, Shortey, Shumate, Sparks and Sykes.--7.

The bill passed.

**HB 2617** was referred for engrossment.

## GENERAL ORDER

**HB 2562** by Hickman and Dank of the House and Marlatt et al of the Senate was called up for consideration.

Senator Marlatt moved that **HB 2562** be advanced, which motion was declared adopted.

## THIRD READING

**HB 2562** 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, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Simpson, Standridge, Stanislawski, Treat and Wyrick.--41.

Excused: Allen, Bingman, Ivester, Shortey, Shumate, Sparks and Sykes.--7.

The bill and emergency passed.

**HB 2562** was referred for engrossment.

## GENERAL ORDER

**HB 3216** by Hickman of the House and Marlatt of the Senate was called up for consideration.

Senator Marlatt asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 3216**.

Senator Marlatt moved to amend **HB 3216**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 3216** to the engrossed version of the bill.

Senator Marlatt moved that **HB 3216** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 3216** 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, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Standridge, Stanislawski, Treat and Wyrick.--42.

Excused: Allen, Bingman, Ivester, Shortey, Sparks and Sykes.--6.

The bill and emergency passed.

**HB 3216** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HJR 1033** by Hickman of the House and Marlatt of the Senate was called up for consideration.

Senator Treat moved to amend **HJR 1033**, 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 Treat moved to amend the floor substitute to **HJR 1033**, Page 1, by restoring the title and enacting clause, which amendment was declared adopted.

Senator Treat moved that **HJR 1033** be advanced, which motion was declared adopted.

**THIRD READING**

**HJR 1033** was read for the third time at length.

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

Aye: Ballenger, Barrington, Boggs, Branan, Brinkley, Brooks, Burrage, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Simpson, Standridge, Stanislawski, Treat and Wyrick.--33.

Nay: Aldridge, Anderson, Bass, Brecheen, Brown, Dahm, Garrison, Shortey and Shumate.--9.

Excused: Allen, Bingman, Coates, Ivester, Sparks and Sykes.--6.

The bill passed.

**HJR 1033** was referred for engrossment.

## **GENERAL ORDER**

**HB 2190** by Schwartz and Sherrer of the House and Griffin of the Senate was called up for consideration.

Senator Griffin moved to amend **HB 2190**, 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 Griffin moved to amend the floor substitute to **HB 2190**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Griffin moved that **HB 2190** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 2190** was read for the third time at length.

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

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

Excused: Allen, Bingman, Coates, Ivester, Sparks and Sykes.--6.

The bill passed.

**HB 2190** was referred for engrossment.

**GENERAL ORDER**

**HB 3254** by Jordan of the House and Griffin of the Senate was called up for consideration.

Senator Griffin moved that **HB 3254** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 3254** was read for the third time at length.

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

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

Excused: Aldridge, Allen, Bingman, Coates, Ivester, Sparks and Sykes.--7.

The bill passed.

**HB 3254** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2676** by Walker et al of the House and Holt of the Senate was called up for consideration.

Senator Holt moved to amend **HB 2676**, 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 Holt moved to amend the floor substitute to **HB 2676**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Holt moved that **HB 2676** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2676** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Paddack, Schulz, Sharp, Shumate, Simpson, Standridge, Stanislawski, Treat and Wyrick.--38.

Nay: David, Newberry, Shaw and Shortey.--4.

Excused: Allen, Bingman, Coates, Ivester, Sparks and Sykes.--6.

The bill passed.

**HB 2676** was referred for engrossment.

**GENERAL ORDER**

**HB 2637** by Denney of the House and Loveless of the Senate was called up for consideration.

Senator Loveless moved that **HB 2637** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2637** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brinkley, Brooks, Brown, Burrage, Crain, David, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Stanislawski, Treat and Wyrick.--37.

Nay: Brecheen, Dahm, Shortey, Standridge and Sykes.--5.

Excused: Allen, Bingman, Coates, Ellis, Ivester and Sparks.--6.

The bill passed.

**HB 2637** was referred for engrossment.

### **GENERAL ORDER**

**HB 3365** by Echols et al of the House and Loveless of the Senate was called up for consideration.

Senator Loveless moved that **HB 3365** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 3365** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Standridge, Stanislawski, Sykes and Treat.--34.

Nay: Ballenger, Bass, Burrage, Garrison, Johnson (C), McAffrey, Shumate and Wyrick.--8.

Excused: Allen, Bingman, Coates, Ellis, Ivester and Sparks.--6.

The bill passed.

**HB 3365** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2367** by Trebilcock and Sherrer of the House and Shortey of the Senate, previously considered on Page 977, was called up for further consideration.

Senator Shortey moved to amend **HB 2367**, Page 1, by striking the title, which amendment was declared adopted.

Senator Shortey moved that **HB 2367** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2367** 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, Brooks, Brown, Burrage, Dahm, Garrison, Griffin, Holt, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shortey, Shumate, Treat and Wyrick.--26.

Nay: Anderson, Bass, Branan, Brinkley, Crain, David, Fields, Ford, Halligan, Loveless, Mazzei, Shaw, Simpson, Standridge, Stanislawski and Sykes.--16.

Excused: Allen, Bingman, Coates, Ellis, Ivester and Sparks.--6.

The bill passed.

**HB 2367** was referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Johnson (C) asked unanimous consent to refer **SR 80** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 80** by Johnson (Constance) was called up for consideration.

**SR 80** was adopted upon motion of Senator Johnson (Constance) and referred for enrollment.

**EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committees named:

Henry, Richard G., Altus, to the Oklahoma Tourism and Recreation Commission, to serve a six year term ending July 1, 2020, succeeding himself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Mike Schulz.

Patton, Robert, Edmond, to the Director of Corrections, to serve at the pleasure of the State Board of Corrections, succeeding Justin Jones. (Public Safety Committee) Motion to confirm made by Senator Greg Treat.

Roush, Ronda, Tulsa, to the Oklahoma Tourism and Recreation Commission, to serve a six year term ending July 1, 2020, succeeding herself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Brian Crain.

Spinks, Jack, Claremore, to the Will Rogers Memorial Commission, to serve a six year term ending March 1, 2020, succeeding Stephen Pazzo. (Tourism and Wildlife Committee) Motion to confirm made by Senator Sean Burrage.

Motions to confirm the above named executive nominations were declared adopted upon roll call as follows:

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

Excused: Bingman, Coates, Ellis, Ivester, Jolley, Marlatt and Sparks.--7.

## **MESSAGE FROM THE HOUSE HAS TO SENATE BILLS**

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

**SB 648** - coauthored by Senator Fields, remove Representative Wright as principal House author and substitute with Representative Osborn, coauthored by Representative McBride

**SB 991** - remove Representative Osborn as principal House author and substitute with Representative Mulready, coauthored by Representative Osborn

**SB 1183**

**SB 1371** - (Emergency Failed)

**SB 1450**

**SB 1469**

**SB 1591**

**SB 1698** - (Emergency Failed)

**SB 1702**

**SB 1745**

**SB 1799**

**SB 1800** - (Emergency Failed)

**SB 1828**

**SB 1884**

**SB 1940** - (Emergency Failed)

**SB 2003**

House amendments were read on the above-numbered bills.

## **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 2319, 2320, 2354, 2355, 2356, 2810, 2838, 2903, 3176, 3215 and 3417.**

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

Advising passage of and returning the following Engrossed bills:

**SB 1728** - (Emergency Failed)

**SB 1875**

**SJR 33** - coauthored by Bennett

The above-numbered measures were referred for enrollment.

Advising further conference granted and naming same House conferees on Engrossed

**HB 1558** - Conference Committee on Judiciary

Advising the signing of and returning Enrolled **SCR 36.**

The above-numbered enrolled measures were transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 711, 1181, 1246, 1422, 1448, 1585, 1610 and 1653.**

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

## **EXECUTIVE NOMINATIONS**

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

Boatman, Jonathon, Oklahoma City, as a member of the Oklahoma State Bureau of Investigation Commission - Judiciary

Burg, Timothy, Shawnee, as a member of the State Board of Career and Technology Education - Education

Burgin, Christie, Oklahoma City, as a member of the Board of Regents for Oklahoma City Community College - Education

Cable, Nevyle, Okmulgee, as a member of the Oklahoma Lottery Commission Board of Trustees - Finance

Cain, Bryan, Wewoka, as a member of the Board of Regents of Seminole State College - Education

Clayton, Cynthia, Mangum, as a member of the Board of Regents of Western Oklahoma State College - Education

Dulisse, Carole, Oklahoma City, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Horton, Jennifer, Coalgate, as a member of the State Textbook Committee - Education

Humphrey, David, Tulsa, as a member of the Oklahoma Science and Technology Research and Development Board - Energy

Kouplen, Sean, Tulsa, as a member of the Board of Trustees for Oklahoma State University/ Tulsa - Education

Lair, Suzanne, Tulsa, as a member of the Oklahoma Educational Television Authority - Education

Looney, Ron, Tulsa, as a member of the Board of Regents of the Tulsa Community College - Education

Porter, Renee, Norman, as a member of the Commission for Education Quality and Accountability - Education

Vaught, Cheryl, Oklahoma City, as a member of the Environmental Quality Board - Energy

Wallace, Sharolyn, Skiatook, as a member of the State Board of Licensed Social Workers - Health and Human Services

Wood, Kelly, Coweta, as a member of the State Textbook Committee - Education

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 28, 2014, at 1:30 p.m., which motion prevailed.

**CHANGE IN AUTHOR/COAUTHOR**

The following measure was authored/coauthored:

**SB 1702** - Coauthored by Ritze

Pursuant to the Schulz motion, the Senate adjourned at 11:15 a.m. to meet Monday, April 28, 2014, at 1:30 p.m.