

# Senate Journal

## First Regular Session of the Fifty-fifth Legislature of the State of Oklahoma

**Forty-seventh Legislative Day, Monday, April 27, 2015**

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: Allen, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.—46.

Excused: Anderson and Simpson.—2.

Senator Stanislawski declared a quorum present.

The prayer was offered by Michael Andres, McFarlin Memorial United Methodist Church, Norman, the guest of Senator Sparks.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1001, 1012, 1044, 1116, 1118, 1275, 1290, 1299, 1442, 1498, 1574, 1604, 1616, 1619, 1622, 1630, 1672, 1696, 1725, 1748, 1776, 1825, 1827, 1847, 1920, 1963, 1964, 2014, 2165, 2181 and 2187 and HJRs 1024 and 1025** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 219, 525, 787 and 788** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### INTRODUCTION

Senator Sykes introduced his parents, David and Kathy Sykes, to the Senate.

**MESSAGES FROM THE HOUSE**

Advising passage of and returning the following Engrossed bill:

**SB 183**

The above-numbered measure was referred for enrollment.

Advising rejection of **SAs** to the following bills, requesting conference and naming House Conference Committee on:

**HB 2180** - Conference Committee on Higher Education and Career Tech

**HB 2184** - Conference Committee on Rules

Advising fourth reading of and transmitting for signature Enrolled **HBs 1007, 1034, 1350, 1391, 1653 and 1855**.

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

**MESSAGE FROM THE HOUSE  
HAs TO SENATE BILLS**

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

**SB 41** - coauthored by Faught of the House

**SB 177**

**SB 220** - coauthored by Pittman of the Senate

**SB 342**

**SB 436** - remove Mulready as principal House author and substitute Echols as principal House author

**SB 468**

**SB 542** - coauthored by Fourkiller and Perryman of the House

**SB 548**

**SB 706**

**SB 707**

**SB 767**

House amendments were read on the above-numbered bills.

**MESSAGE FROM THE HOUSE**

Advising passage of and returning the following Engrossed bills:

**SB 98** - (Emergency Failed)

**SB 207**

**SB 406**

**SB 423**

**SB 451**

**SB 505** - (Emergency Failed)

**SB 781** - coauthored by Roberts (Sean), Montgomery, Ownbey, Proctor, Cockroft and Calvey of the House

The above-numbered measures were referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 178** were concurred in upon motion of Senator Crain.

**SB 178**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--41.

Excused: Anderson, Bass, Brown, Matthews, Paddack, Simpson and Wyrick.--7.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Barrington asked unanimous consent to refer **SCR 17** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 17** by Barrington of the Senate and McPeak of the House was called up for consideration.

Senators Schulz, David, Sharp, Holt, Treat, Boggs, Silk, Brinkley, Ford, Sykes, Jolley, Griffin, Yen, Standridge, Newberry, Bingman, Marlatt, Brooks, Loveless, Smalley, Bice, Allen, Thompson, Justice, Quinn, Fry, Fields, Jech, Halligan, Dahm, Mazzei, Shaw and Crain asked to coauthor **SCR 17**, which was the order.

**SCR 17** was adopted upon motion of Senator Barrington and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 285** were concurred in upon motion of Senator Ford.

**SB 285**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--42.

Excused: Anderson, Bass, Brown, Matthews, Paddack and Simpson.--6.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 399** were concurred in upon motion of Senator Justice.

**SB 399**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--41.

Excused: Anderson, Bass, Brown, Matthews, Paddack, Shortey and Simpson.--7.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 380** were concurred in upon motion of Senator Newberry.

**SB 380**, as amended by the Honorable House, was read at length.

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

Aye: Barrington, Bice, Bingman, Brinkley, Brooks, Crain, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Justice, Loveless, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat and Yen.--31.

Nay: Allen, Boggs, Brecheen, Dahm, Jolley, Marlatt, Mazzei, Silk, Sykes and Wyrick.-  
-10.

Excused: Anderson, Bass, Brown, Matthews, Paddack, Shortey and Simpson.--7.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 443** were concurred in upon motion of Senator Newberry.

**SB 443**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--41.

Excused: Anderson, Bass, Brown, Matthews, Paddack, Shortey and Simpson.--7.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 663** were concurred in upon motion of Senator Brooks.

**SB 663**, as amended by the Honorable House, was read at length.

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

Aye: Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--39.

Nay: Allen, Dahm and Sykes.--3.

Excused: Anderson, Brown, Matthews, Paddack, Shortey and Simpson.--6.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 370** were concurred in upon motion of Senator Halligan.

**SB 370**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--42.

Excused: Anderson, Brown, Matthews, Paddack, Shortey and Simpson.--6.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 101** were concurred in upon motion of Senator Allen.

**SB 101**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--39.

Nay: Bass, Floyd and Pittman.--3.

Excused: Anderson, Brown, Matthews, Paddack, Shortey and Simpson.--6.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 173** were concurred in upon motion of Senator Fry.

**SB 173**, as amended by the Honorable House, was read at length.

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

Aye: Barrington, Crain, Fields, Floyd, Fry, Halligan, Holt, Jech, Justice, Sharp, Sparks, Standridge, Thompson and Yen.--14.

Nay: Allen, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Dahm, David, Ford, Garrison, Griffin, Jolley, Loveless, Marlatt, Mazzei, Newberry, Pittman, Quinn, Schulz, Shaw, Silk, Smalley, Stanislawski, Sykes, Treat and Wyrick.--28.

Excused: Anderson, Brown, Matthews, Paddack, Shortey and Simpson.--6.

The bill failed.

Pursuant to Rule 8-32, Senator Fry served notice that the vote be reconsidered whereby **SB 173** failed.

**Senator Dahm presiding.**

**PENDING CONSIDERATION OF HAS**

**HAs to SB 155** were concurred in upon motion of Senator Shaw.

**SB 155**, as amended by the Honorable House, was read at length.

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

Aye: Barrington, Boggs, Crain, Floyd, Fry, Jech, Justice, Pittman, Sharp, Shaw, Sparks, Standridge, Thompson and Yen.--14.

Nay: Allen, Bass, Bice, Bingman, Brecheen, Brinkley, Brooks, Dahm, David, Fields, Ford, Garrison, Griffin, Halligan, Holt, Jolley, Loveless, Marlatt, Mazzei, Newberry, Quinn, Schulz, Silk, Smalley, Sykes, Treat and Wyrick.--27.

Excused: Anderson, Brown, Matthews, Paddack, Shortey, Simpson and Stanislawski.--7.

The bill failed.

Pursuant to Rule 8-32, Senator Shaw served notice that the vote be reconsidered whereby **SB 155** failed.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 578** were concurred in upon motion of Senator Shaw.

**SB 578**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bass, Bice, Bingman, Boggs, Brinkley, Brooks, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Smalley, Sparks, Standridge, Thompson, Treat, Wyrick and Yen.--38.

Nay: Brecheen, Newberry and Sykes.--3.

Excused: Anderson, Brown, Matthews, Paddack, Shortey, Simpson and Stanislawski.--7.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 70** were concurred in upon motion of Senator Quinn.

**SB 70**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Smalley, Sparks, Standridge, Thompson, Treat, Wyrick and Yen.--39.

Nay: Dahm and Sykes.--2.

Excused: Anderson, Brown, Matthews, Paddack, Shortey, Simpson and Stanislawski.--7.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 465** were concurred in upon motion of Senator Quinn.

**SB 465**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Smalley, Sparks, Standridge, Sykes, Thompson, Treat and Yen.--39.

Nay: Crain.--1.

Excused: Anderson, Brown, Matthews, Paddock, Shortey, Simpson, Stanislawski and Wyrick.--8.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

#### **MOTION TO RESCIND REJECTION OF HAS TO SB 474**

Senator Sparks moved to reconsider the vote whereby the **HAs to SB 474** were rejected, which motion was declared adopted.

**SB 474** was placed on pending consideration of **HAs**.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SBs 114, 141, 356, 372, 419, 424, 587, 630, 688, 706, 707 and 786** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

**MESSAGE FROM THE HOUSE  
HAs TO SENATE BILLS**

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

**SB 34**

**SB 136** - (Emergency Failed)

**SB 326**

**SB 327**

**SB 379** - coauthored by Allen of the Senate

**SB 386** - coauthored by Cleveland of the House

**SB 412**

**SB 534**

**SB 676** - (Emergency Failed) coauthored by David and Loveless of the House and Faught, Wood, Roberts (Sean) and Fisher of the House

**SB 704**

**SB 789**

**SB 797** - coauthored by Hoskin and Sherrer of the House

**SB 809** - (Emergency Failed) coauthored by Griffin of the Senate and McBride of the House

House amendments were read on the above-numbered bills.

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 219, 525, 787** and **788**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1009**.

**HCR 1009** – By Biggs of the House and David of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 1047, passed by the 1st Session of the 55th Oklahoma Legislature.

The above-numbered measure was read the first time.

**FIRST READING**

The following were introduced and read the first time:

**SR 28** – By Boggs.

A Resolution congratulating Edmond Doyle Elementary School for being named a National Blue Ribbon School; commending Principal Kathy Hunt for receiving the Terrel H. Bell Award; and directing distribution.

**SR 29** – By Newberry.

A Resolution congratulating the Class 4A State Cross Country Champions, Adrena and Daniel Mazzei of Berryhill High School; and directing distribution.

**SR 30** – By Sparks.

A Resolution declaring May 1, 2015, as Law Day in the State of Oklahoma; and directing distribution.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 28, 2015, at 9:00 a.m., which motion prevailed.

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 116** - Coauthored by Jech

**SB 630** - Coauthored by Sharp

**SB 676** - Coauthored by Brumbaugh

**SB 706** - Coauthored by Cockroft

**SB 707** - Coauthored by Sharp

**MESSAGES FROM THE GOVERNOR**

Advising her approval April 24, 2015, of Enrolled **SBs 189, 635 and 782.**

Advising her approval April 27, 2015, of Enrolled **SBs 366, 535, 586, 612, 762 and 806.**

Pursuant to the Schulz motion, the Senate adjourned at 3:30 p.m. to meet Tuesday, April 28, 2015, at 9:00 a.m.

**JOURNAL CORRECTIONS**

**HB 1047**, Page 1005, 11<sup>th</sup> Line from bottom of page, delete the following language:

“The above amendment restores **HB 1047** to the engrossed version of the bill.” and;

**HB 1405**, Page 931, 6<sup>th</sup> Line from top of page, delete the following language:

“The above amendment restores **HB 1405** to the engrossed version of the bill.”