

# Senate Journal

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

**Eleventh Legislative Day, Tuesday, February 17, 2015**

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Allen, Anderson, 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, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Treat, Wyrick and Yen.—46.

Excused: Thompson.—1.

Vacancy: District 11.—1.

Senator Sykes declared a quorum present.

The prayer was offered by Connie Goodson, Henderson Hills Baptist Church, Edmond, the guest of Senator Jolley.

### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SBs 71, 144 and 147** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### **CHANGE IN COMMITTEE ASSIGNMENTS**

The following bills will be reassigned as follows:

**SB 401** – Withdrawn from Rules and Appropriations and referred to General Government then to Appropriations

**SB 634** – Withdrawn from Rules and Appropriations and referred to Energy then to Appropriations

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1033, 1275, 1409 and 1806.**

**HB 1033** – By Kirby of the House and Sparks of the Senate.

An Act relating to bail bonds; amending 59 O.S. 2011, Section 1306, as amended by Section 2, Chapter 150, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1306), which relates to cash bondsman licensing; requiring submission of audited financial statements in accordance with certain standards; amending Section 3, Chapter 53, O.S.L. 2014 (59 O.S. Supp. 2014, Section 1306A), which relates to application requirements for multicounty agent bondsmen; requiring submission of audited financial statements in accordance with certain standards; authorizing transferees to apply for certain license; amending 59 O.S. 2011, Section 1309, as last amended by Section 1, Chapter 385, O.S.L. 2014 (59 O.S. Supp. 2014, Section 1309), which relates to renewal licenses; requiring submission of audited financial statements in accordance with certain standards; amending 59 O.S. 2011, Section 1310, as amended by Section 4, Chapter 150, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1310), which relates to the denial or suspension of licenses; modifying list of circumstances that allow for license suspensions and denials; deleting statutory reference; amending 59 O.S. 2011, Section 1311.3, as amended by Section 1, Chapter 373, O.S.L. 2014 (59 O.S. Supp. 2014, Section 1311.3), which relates to unlawful acts; deleting certain time limitation; amending 59 O.S. 2011, Section 1314, as amended by Section 5, Chapter 53, O.S.L. 2014 (59 O.S. Supp. 2014, Section 1314), which relates to collateral requirements; clarifying certain reporting requirements; amending 59 O.S. 2011, Section 1315, as last amended by Section 5, Chapter 150, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1315), which relates to persons prohibited as bondsmen; clarifying scope of certain prohibited act; amending 59 O.S. 2011, Section 1316, as last amended by Section 2, Chapter 385, O.S.L. 2014 (59 O.S. Supp. 2014, Section 1316), which relates to signing bonds; deleting certain submission requirement; modifying notification procedures to include multicounty agent bondsmen; amending 59 O.S. 2011, Section 1317, as last amended by Section 3, Chapter 385, O.S.L. 2014 (59 O.S. Supp. 2014, Section 1317), which relates to notice requirements for sureties; modifying notification procedures to include multicounty agent bondsmen; amending 59 O.S. 2011, Section 1320, as last amended by Section 4, Chapter 385, O.S.L. 2014 (59 O.S. Supp. 2014, Section 1320), which relates to license registration requirements; deleting certain filing requirement and fees; requiring the filing of certain document; providing for registration fees and procedures; amending 59 O.S. 2011, Section 1321, which relates to the qualifications of sureties; modifying surety qualifications to include multicounty agent bondsmen; providing for electronic filings and payments; providing for codification; providing for recodification; and providing an effective date.

**HB 1275** – By Cockroft, Ritze and Strohm of the House and Jolley of the Senate.

An Act relating to elections; amending 26 O.S. 2011, Section 13A-103, which relates to election dates; providing for Primary and General Elections for candidates for the board of education; and providing an effective date.

**HB 1409** – By Billy, Ritze, Hall, Christian, Faught, Brumbaugh, Kern and Vaughan of the House and Treat and Jolley of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2011, Sections 1-738.2, 1-738.3, 1-738.3a, 1-738.8, 1-738.13, 1-738m, as amended by Section 2, Chapter 303, O.S.L. 2013, Section 2, Chapter 175, O.S.L. 2014 and Section 6, Chapter 175, O.S.L. 2014 (63 O.S. Supp. 2014, Sections 1-738m, 1-746.2 and 1-746.6), which relate to abortion; increasing time period of voluntary and informed consent prior to abortion; requiring certain facilities to publish link on website to State Board of Medical Licensure and Supervision's website; requiring certain information on link; updating references; and providing an effective date.

**HB 1806** – By Banz of the House and Justice of the Senate.

An Act relating to driving under the influence; amending 47 O.S. 2011, Section 753, which relates to blood or breath test refusals; authorizing search warrant requests under certain circumstances; requiring reinstatement of driving privileges under certain circumstances; and providing an effective date.

The above-numbered measures were read the first time.

## **GENERAL ORDER**

**SB 206** by Simpson of the Senate and Roberts (Dustin) of the House was called up for consideration.

Senator Simpson moved that **SB 206** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 206** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Loveless, Marlatt, Mazzei, Newberry, Paddock, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Treat, Wyrick and Yen.--44.

Excused: Bingman, Justice and Thompson.--3.

Vacancy: District 11.--1.

The bill passed.

**SB 206** was referred for engrossment.

### **GENERAL ORDER**

**SB 567** by Simpson of the Senate and Hardin of the House was called up for consideration.

Senator Simpson moved that **SB 567** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 567** was read for the third time at length.

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

Aye: Allen, Anderson, 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, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Treat, Wyrick and Yen.--46.

Excused: Thompson.--1.

Vacancy: District 11.--1.

The bill and emergency passed.

**SB 567** was referred for engrossment.

### **GENERAL ORDER**

**SB 352** by Newberry of the Senate and Echols of the House was called up for consideration.

Senator Newberry moved that **SB 352** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 352** was read for the third time at length.

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

Aye: Brecheen, Fry, Griffin, Halligan, Holt, Justice, Newberry, Sharp, Shortey and Simpson.--10.

Nay: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Garrison, Jech, Jolley, Loveless, Marlatt, Mazzei, Paddack, Pittman, Quinn, Schulz, Shaw, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes, Treat, Wyrick and Yen.--36.

Excused: Thompson.--1.

Vacancy: District 11.--1.

The bill failed.

Pursuant to Rule 8-32, Senator Newberry served notice that the vote be reconsidered whereby **SB 352** failed.

**GENERAL ORDER**

**SB 11** by Barrington of the Senate and Bennett of the House was called up for consideration.

Senator Barrington moved that **SB 11** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 11** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Treat, Wyrick and Yen.--43.

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

Excused: Thompson.--1.

Vacancy: District 11.--1.

The bill passed.

**SB 11** was referred for engrossment.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 18, 2015, 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:

**SB 62** – Transportation

Ayes: Allen, Barrington, Bass, Bice, Fry, Loveless, Marlatt, Newberry, Paddack, Pittman, Shortey, Silk, Smalley, Stanislawski

**SB 109** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Sparks, Standridge, Sykes, Treat

**SB 145** – Transportation

Ayes: Allen, Barrington, Bass, Bice, Fry, Loveless, Marlatt, Newberry, Paddack, Pittman, Shortey, Silk, Smalley, Stanislawski

**SB 321** – Transportation

Ayes: Allen, Barrington, Bass, Bice, Fry, Loveless, Marlatt, Newberry, Paddack, Pittman, Shortey, Silk, Smalley, Stanislawski

**SB 389** – Transportation

Ayes: Allen, Barrington, Bass, Bice, Fry, Loveless, Marlatt, Newberry, Paddack, Pittman, Shortey, Silk, Smalley, Stanislawski

**SB 449** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sparks, Standridge, Sykes, Treat

**SB 452** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Sparks, Standridge, Sykes, Treat

**SB 764** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sparks, Standridge, Sykes, Treat

DO PASS, As Amended:

**SB 51** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Standridge, Sykes, Treat

Nays: Sparks

**SB 72** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

**SB 93** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

**SB 231** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Standridge, Sykes, Treat

Nays: Sparks

**SB 243** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Paddack, Quinn, Simpson, Sparks, Yen

Nays: Wyrick

**SB 261** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sparks, Standridge, Sykes, Treat

**SB 342** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Quinn, Simpson, Yen

Nays: Paddack, Sparks, Wyrick

**SB 356** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sparks, Standridge, Sykes, Treat

**SB 437** – Finance

Ayes: Brinkley, David, Halligan, Jech, Paddack, Quinn, Simpson, Sparks, Yen

Nays: Dahm, Ford, Mazzei, Wyrick

**SB 447** – Judiciary

Ayes: Brooks, Crain, Griffin, Holt, Sparks, Standridge, Sykes, Treat

Nays: Floyd

**SB 457** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sparks, Standridge, Sykes, Treat

**SB 463** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Mazzei, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

**CS for SB 465** – Finance

Ayes: Brinkley, Dahm, David, Ford, Jech, Mazzei, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

**SB 466** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Paddack, Quinn, Simpson, Sparks, Yen

Nays: Mazzei, Wyrick

**SB 469** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sparks, Standridge, Sykes, Treat

**SB 474** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Quinn, Simpson, Sparks, Wyrick, Yen

**SB 497** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Paddack, Quinn, Simpson, Yen

Nays: Sparks, Wyrick

**SB 571** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Quinn, Simpson, Wyrick, Yen

Nays: Paddack, Sparks

**SB 611** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Jolley, Mazzei, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

**SB 806** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

**SB 815** – Finance

Ayes: Brinkley, Dahm, David, Ford, Halligan, Jech, Mazzei, Paddack, Quinn, Simpson, Sparks, Wyrick, Yen

## **COMMITTEE REPORTS**

The following were reported by the committees named and referred to a second committee:

DO PASS:

**SB 626** – Transportation

Ayes: Barrington, Bass, Bice, Loveless, Marlatt, Newberry, Paddack, Smalley, Stanislawski

Nays: Allen, Fry, Pittman, Shortey, Silk

**SB 726** – Judiciary

Ayes: Brooks, Crain, Floyd, Griffin, Holt, Sparks, Standridge, Sykes, Treat

DO PASS, As Amended:

**CS for SB 622** – Transportation

Ayes: Allen, Barrington, Bice, Fry, Marlatt, Newberry, Paddack, Pittman, Shortey, Silk, Stanislawski

Nays: Bass, Smalley

**SB 623** – Transportation

Ayes: Allen, Barrington, Bass, Bice, Fry, Marlatt, Newberry, Pittman, Shortey, Silk, Smalley, Stanislawski

## **FIRST READING**

The following were introduced and read the first time:

**SB 819** – By Newberry.

An Act relating to Construction Industries Board; amending 59 O.S. 1681, which relates to rules of the Board; authorizing the Board to exercise certain powers; providing for a poultry house contractor license; granting powers to implement and enforce poultry house contractor licenses; prohibiting certain code inspections and installation standards on certain poultry house premises; establishing authority of certain license; prohibiting poultry house contractor license experience to apply to other electrical license requirements; authorizing certain expedited processing; making licenses nontransferable; setting penalty for certain violations; requiring nonrefundable fee; setting fee amount; setting term of license; providing for renewal; setting renewal fee; setting qualifications for license; establishing information to be provided for licensure; stating disqualifications for licensure; authorizing suspensions; stating reasons for suspension; amending 59 O.S. 1689, which relates to Electrical Hearing Board; including authority over poultry house contractor

license; adding certain reason for revocation of license; providing for codification; and providing an effective date.

**SB 820** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to the Office of the Attorney General; reappropriating a certain amount of appropriations for the prosecution and defense of claims related to water and water rights in Oklahoma; making appropriations exempt from budget and category limits; and declaring an emergency.

**SB 821** – By Barrington.

An Act relating to texting while driving; making it unlawful to operate a motor vehicle while manually composing, sending or reading an electronic text message; providing penalty; providing exceptions; providing for codification; and providing an effective date.

**SB 822** – By Justice.

An Act relating to the Oklahoma Water Resources Board; declaring seasonal employees of the Board as temporary unclassified employees; authorizing the Board to employ seasonal employees; requiring the Board report certain employee statistics; providing for codification; and declaring an emergency.

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

The following measures were authored/coauthored:

- SB 34** - Coauthored by Christian (principal House author)
- SB 47** - Coauthored by Johnson (principal House author)
- SB 93** - Coauthored by Brinkley
- SB 118** - Coauthored by Justice
- SB 134** - Coauthored by Sanders (principal House author)
- SB 178** - Coauthored by Loring (principal House author)
- SB 296** - Coauthored by Newell (principal House author)
- SB 357** - Coauthored by Martin (principal House author)
- SB 392** - Coauthored by Cooksey (principal House author)
- SB 417** - Coauthored by Biggs (principal House author)
- SB 430** - Coauthored by Roberts (Sean) (principal House author)
- SB 463** - Coauthored by Murphey (principal House author)
- SB 628** - Coauthored by Denney (principal House author)
- SJR 19** - Coauthored by Hall (principal House author)
- HB 1275** - Coauthored by Moore
- HB 1717** - Coauthored by Loring
- HB 1806** - Coauthored by Loring

Pursuant to the Schulz motion, the Senate adjourned at 2:20 p.m. to meet Wednesday, February 18, 2015, at 1:30 p.m.