

Senate Journal

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

Fifteenth Legislative Day, Tuesday, February 24, 2015

The Senate was called to order by Senator David.

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, Thompson, Treat, Wyrick and Yen.—47.

Vacancy: District 11.—1.

Senator David declared a quorum present.

The prayer was offered by Seth Swindall, Victory Life Church, Atoka, the guest of Senator Brecheen.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 42, 57, 134, 267, 352, 455 and **820** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

INTRODUCTION

Senator Griffin introduced her daughter, Alexandra, to the Senate.

GENERAL ORDER

SB 415 by Brinkley of the Senate and McDaniel (Randy) of the House was called up for consideration.

Senator Brinkley moved that **SB 415** be advanced, which motion was declared adopted.

THIRD READING

SB 415 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, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Jech, Jolley, Justice, Loveless, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--43.

Excused: Holt, Marlatt, Shortey and Standridge.--4.

Vacancy: District 11.--1.

The bill passed.

SB 415 was referred for engrossment.

GENERAL ORDER

SB 462 by Brinkley of the Senate and McDaniel (Randy) of the House was called up for consideration.

Senator Brinkley moved that **SB 462** be advanced, which motion was declared adopted.

THIRD READING

SB 462 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, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Quinn, Schulz, Sharp,

Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--45.

Excused: Holt and Pittman.--2.

Vacancy: District 11.--1.

The bill passed.

SB 462 was referred for engrossment.

GENERAL ORDER

SB 164 by Stanislawski of the Senate and Vaughan of the House was called up for consideration.

Senator Stanislawski moved that **SB 164** be advanced, which motion was declared adopted.

THIRD READING

SB 164 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, 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, Thompson, Treat, Wyrick and Yen.--47.

Vacancy: District 11.--1.

The bill passed.

SB 164 was referred for engrossment.

GENERAL ORDER

SB 229 by Justice of the Senate and Enns of the House was called up for consideration.

Senator Justice moved that **SB 229** be advanced, which motion was declared adopted.

THIRD READING

SB 229 was read for the third time at length.

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

Aye: Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brooks, Crain, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--40.

Nay: Allen, Brown, Dahm, Marlatt, Shortey and Sykes.--6.

Excused: Bingman.--1.

Vacancy: District 11.--1.

The bill passed.

SB 229 was referred for engrossment.

GENERAL ORDER

SB 149 by Garrison of the Senate and McPeak of the House was called up for consideration.

Senator Garrison moved that **SB 149** be advanced, which motion was declared adopted.

THIRD READING

SB 149 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, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--46.

Excused: Bingman.--1.

Vacancy: District 11.--1.

The bill passed.

SB 149 was referred for engrossment.

GENERAL ORDER

SB 115 by Simpson of the Senate and Hardin of the House was called up for consideration.

Senator Simpson moved to amend **SB 115**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Simpson moved that **SB 115** be advanced, which motion was declared adopted.

THIRD READING

SB 115 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, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--46.

Excused: Bingman.--1.

Vacancy: District 11.--1.

The bill passed.

SB 115 was referred for engrossment.

GENERAL ORDER

SB 223 by Simpson of the Senate and Roberts (Dustin) of the House was called up for consideration.

Senator Simpson moved to amend **SB 223**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Simpson moved that **SB 223** be advanced, which motion was declared adopted.

THIRD READING

SB 223 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, 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, Thompson, Treat, Wyrick and Yen.--47.

Vacancy: District 11.--1.

The bill passed.

SB 223 was referred for engrossment.

GENERAL ORDER

SB 293 by Simpson of the Senate and Ownbey of the House was called up for consideration.

Senator Simpson moved to amend **SB 293**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Simpson moved that **SB 293** be advanced, which motion was declared adopted.

THIRD READING

SB 293 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, 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, Thompson, Treat, Wyrick and Yen.--47.

Vacancy: District 11.--1.

The bill passed.

SB 293 was referred for engrossment.

GENERAL ORDER

SB 101 by Allen of the Senate and Osborn and Bennett of the House was called up for consideration.

Senator Allen moved that **SB 101** be advanced, which motion was declared adopted.

THIRD READING

SB 101 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, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--45.

Nay: Shaw.--1.

Excused: Bingman.--1.

Vacancy: District 11.--1.

The bill passed.

SB 101 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1045, 1114, 1150, 1437, 1514, 1683 and 1749.**

HB 1045 – By Biggs of the House and Sykes of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 1080, which relates to post-conviction procedures; modifying procedures for filing petitions for post-conviction relief; defining phrase; providing time limitations for filing petitions; prohibiting the filing of petitions for post-conviction relief under certain circumstances; providing for the dismissal of petitions; authorizing motions to reopen previous post-conviction petitions

under certain circumstances; stating requirements for filing motion; making procedural requirements for filing petitions apply retroactively; and providing an effective date.

HB 1114 – By Hoskin and Sherrer of the House and Sparks of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 1161, which relates to acts of insane persons; defining term; and providing an effective date.

HB 1150 – By Grau and Sherrer of the House and Griffin of the Senate.

An Act relating to mental health; amending 43A O.S. 2011, Section 3-417.1, which prohibits certain facilities from being located within certain distance from certain schools; removing certain facility from such prohibition; and providing an effective date.

HB 1437 – By Pfeiffer, Biggs and Sherrer of the House and Justice of the Senate.

An Act relating to agriculture; amending 2 O.S. 2011, Sections 5-3.2, as amended by Section 2, Chapter 118, O.S.L. 2013, 5-3.3, as amended by Section 4, Chapter 304, O.S.L. 2012 and 5-3.4 (2 O.S. Supp. 2014, Sections 5-3.2 and 5-3.3), which relate to the Oklahoma Agriculture Enhancement and Diversification Act; modifying purpose; updating language; expanding Oklahoma Agriculture Enhancement and Diversification Fund category; updating references; modifying application purpose; modifying application preference process; prohibiting consideration of certain applications; and declaring an emergency.

HB 1514 – By Murdock of the House and Boggs of the Senate.

An Act relating to agriculture; amending 2 O.S. 2011, Sections 20-41 and 20-46, which relate to the Oklahoma Concentrated Animal Feeding Operations Act; updating references; modifying definition of interested party; authorizing the Oklahoma Department of Agriculture, Food, and Forestry to request and review additional information for certain applications; requiring the Department make certain determination within a certain timeframe; modifying certain notification requirements; deleting certain hearing requirements; requiring hearing be requested within certain timeframe; prohibiting the Department from taking action on certain application within certain time period; requiring application to be submitted under certain circumstances; requiring certain information in request for a hearing; requiring the Department to schedule a preliminary hearing under certain circumstances; providing timeframe to cure certain deficiencies; declaring that all affected property owners be a party to certain hearing; providing location of hearing; providing rebuttable presumption; providing burden of proof; requiring administrative law judge to allow certain responses and issue certain orders; requiring certain orders be sent to the Department; requiring full administrative hearing under certain circumstances; requiring scheduling conference; allowing affected property owner to waive right to a hearing if certain requirements are met; requiring administrative law judge to hear certain testimony and evidence at administrative hearing; providing burden of proof; requiring evidence admitted meet certain requirements; requiring interested party and applicant be afforded opportunity to present certain evidence and arguments; requiring administrative hearing comply with certain act and rules; and providing effective date.

HB 1683 – By Denney of the House and Halligan of the Senate.

An Act relating to DNA collection procedures; amending 22 O.S. 2011, Section 991a, as last amended by Section 1, Chapter 157, O.S.L. 2014 (22 O.S. Supp. 2014, Section 991a), which relates to sentencing powers of the court; providing for the collection of DNA specimens by certain entity; amending 74 O.S. 2011, Section 150.27a, which relates to the OSBI Combined DNA Index System (CODIS) Database; providing for the collection of DNA specimens by certain entity; and providing an effective date.

HB 1749 – By Newell, Osborn, Ritze, Nelson, Cockroft, Billy and Dunlap of the House and Dahm of the Senate.

An Act relating to payroll deductions; criminalizing certain payroll deductions by state agencies; defining terms; providing for codification; and providing an effective date.

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 Wednesday, February 24, 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 215 – Judiciary

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

SB 294 – Transportation

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

SB 445 – Judiciary

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

SB 448 – Judiciary

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

SB 771 – Judiciary

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

SB 788 – Judiciary

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

Nays: Floyd

SB 789 – Judiciary

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

SB 827 – Transportation, Remove as author Senator Smalley; authored by Transportation Committee

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

DO PASS, As Amended:

SB 21 – Judiciary

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

Nays: Floyd, Sparks

SB 92 – Finance

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

CS for SB 165 – Transportation

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

SB 167 – Judiciary

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

SB 255 – Finance

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

CS for SB 259 – Transportation

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

SB 338 – Finance

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

Nays: Wyrick

SB 339 – Finance

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

SB 378 – Judiciary

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

SB 387 – Finance

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

Nays: Paddack, Wyrick

SB 410 – Judiciary

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

SB 443 – Judiciary

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

SB 498 – Finance

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

SB 499 – Finance

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

SB 501 – Finance

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

SB 502 – Finance

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

SB 590 – Finance

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

SB 609 – Finance

Ayes: Brinkley, Dahm, David, Ford, Jolley, Quinn, Simpson, Yen

Nays: Halligan, Jech, Mazzei, Paddack, Sparks, Wyrick

SB 623 – Finance

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

CS for SB 694 – Finance

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

CS for SB 715 – Judiciary

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

SB 725 – Judiciary

Ayes: Brooks, Crain, Griffin, Schulz, Standridge, Sykes, Thompson

SB 765 – Judiciary

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

Nays: Sparks

CS for SB 767 – Judiciary

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

Nays: Floyd

CS for SB 774 – Judiciary

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

SB 792 – Judiciary

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

Nays: Floyd

SB 796 – Judiciary

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

CS for SB 802 – Judiciary

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

SB 824 – Finance, Remove as author Senator Mazzei; authored by Finance Committee

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

SB 825 – Finance, Remove as author Senator Mazzei; authored by Finance Committee

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

FAILED:

SB 633 – Tourism and Wildlife

Ayes: Anderson, Brecheen, Sharp, Shaw

Nays: Bass, Boggs, Garrison, Justice, Wyrick

SB 671 – Judiciary

Ayes: Brooks, Standridge, Sykes, Treat

Nays: Crain, Floyd, Griffin, Sparks, Thompson

COMMITTEE REPORT

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

DO PASS, As Amended:

CS for SB 391 – Transportation

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

SECOND READING

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

SB 826 – Public Safety

SB 827 – Transportation

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 21 - Coauthored by Coody (Jeff)

SB 38 - Coauthored by Loring

SB 55 - Coauthored by Billy (principal House author)

SB 62 - Coauthored by ODonnell (principal House author)

SB 97 - Coauthored by Joyner (principal House author)

SB 118 - Coauthored by Grau (principal House author)

SB 126 - Coauthored by Cox (principal House author)

SB 153 - Coauthored by Ownbey (principal House author)

SB 165 - Coauthored by Joyner (principal House author)

SB 283 - Coauthored by Brecheen

Remove as author Senator Brecheen; authored by Shortey

SB 313 - Coauthored by Bass

SB 340 - Coauthored by Mulready (principal House author)

SB 394 - Coauthored by Echols (principal House author)

SB 434 - Coauthored by Echols (principal House author)

SB 560 - Coauthored by Derby (principal House author)

SB 604 - Coauthored by Cox (principal House author)

SB 609 - Coauthored by Loveless

SB 683 - Remove as coauthor Senator Barrington

SB 715 - Coauthored by ODonnell (principal House author)

SB 752 - Coauthored by Mulready (principal House author)

SB 788 - Coauthored by Brooks

SB 797 - Coauthored by Watson (principal House author)

SB 798 - Coauthored by Echols (principal House author)

SJR 4 - Coauthored by Shaw

Coauthored by Griffin, Marlatt

Coauthored by Bingman

HB 1408 - Coauthored by Walker

Pursuant to the Schulz motion, the Senate adjourned at 2:25 p.m. to meet Wednesday, February 24, 2015, at 1:30 p.m.