

# Senate Journal

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

**Eighth Legislative Day, Wednesday, February 13, 2013**

The Senate was called to order by Senator David.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, 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, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.—  
48.

Senator David declared a quorum present.

The prayer was offered by Father Stuart Crevcoure, St. John the Evangelist University Parish, Stillwater, the guest of Senator Halligan.

### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SB 40** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### **CHANGE IN COMMITTEE ASSIGNMENTS**

- SB 478** – Withdrawn from Appropriations and referred to Energy
- SB 490** – Withdrawn from Rules and referred to Education
- SB 653** – Withdrawn from Rules and referred to Appropriations
- SB 802** – Withdrawn from Finance and referred to Health and Human Services
- SB 912** – Withdrawn from Rules and referred to Energy
- SB 926** – Withdrawn from Rules and referred to Energy
- SB 975** – Withdrawn from Health and Human Services and referred to Insurance
- SB 1012** – Withdrawn from Rules and referred to General Government
- SB 1021** – Withdrawn from Rules and referred to Business and Commerce

**SB 1062** – Withdrawn from Rules and referred to Judiciary

**SB 1083** – Withdrawn from Rules and referred to Judiciary

**SB 1090** – Withdrawn from Rules and referred to General Government

### **GENERAL ORDER**

**SB 166** by Mazzei of the Senate and Sears of the House was called up for consideration.

Senator Mazzei moved that **SB 166** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 166** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Boggs, Brecheen, Brinkley, Brooks, Brown, Burrage, 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, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--45.

Excused: Bingman, Branan and Coates.--3.

The bill passed.

**SB 166** was referred for engrossment.

### **GENERAL ORDER**

**SB 167** by Mazzei of the Senate and Sears of the House was called up for consideration.

Senator Mazzei moved that **SB 167** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 167** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, 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, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--46.

Excused: Bingman and Coates.--2.

The bill passed.

**SB 167** was referred for engrossment.

### **GENERAL ORDER**

**SB 321** by Mazzei of the Senate and Sears of the House was called up for consideration.

Senator Mazzei moved that **SB 321** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 321** 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, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, 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, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--46.

Nay: Allen.--1.

Excused: Coates.--1.

The bill passed.

**SB 321** was referred for engrossment.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1085, 1324, 1383, 1508, 1646** and **2166**.

**HB 1085** – By Grau of the House and Sykes of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 1105.3, which relates to the Pretrial Release Act; modifying pretrial release conditions to include various monitoring and testing methods; and providing an effective date.

**HB 1324** – By McDaniel (Randy) of the House and Sykes of the Senate.

An Act relating to the Oklahoma Police Pension and Retirement System; amending 11 O.S. 2011, Sections 50-114.1, as last amended by Section 10, Chapter 364, O.S.L. 2012 and 50-114.4 (11 O.S. Supp. 2012, Section 50-114.1), which relate to limitation on benefits pursuant to requirements of the Internal Revenue Code; modifying reference to Internal Revenue Code; modifying provisions related to permissive service credit; modifying provisions related to repayments; modifying references for purposes of certain qualified health insurance premiums; and declaring an emergency.

**HB 1383** – By McDaniel (Randy) of the House and Stanislawski of the Senate.

An Act relating to the Oklahoma Law Enforcement Retirement System; amending 47 O.S. 2011, Section 2-305, as amended by Section 2, Chapter 307, O.S.L. 2012 (47 O.S. Supp. 2012, Section 2-305), which relates to retirement benefit computations; modifying retirement benefit computation for certain members; and declaring an emergency.

**HB 1508** – By Peterson, Nelson, Pittman and Cooksey of the House and David of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2011, Section 2-103.1, which relates to the Uniform Controlled Dangerous Substances Act; expanding scope of subpoena powers for the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and providing an effective date.

**HB 1646** – By Jordan of the House and Bingman of the Senate.

An Act relating to corporations; amending 18 O.S. 2011, Section 1027, as amended by Section 1, Chapter 1, O.S.L. 2012 (18 O.S. Supp. 2012, Section 1027), which relates to the Oklahoma General Corporation Act; deleting mandate of dividing board of directors into classes for certain type of corporation; removing exception for certain corporation; deleting resolution process for certain election; and declaring an emergency.

**HB 2166** – By Echols, Nelson and Pittman of the House and Crain of the Senate.

An Act relating to child support; amending 21 O.S. 2011, Section 566.1, which relates to contempt for failure to pay child support; permitting judge to order willfully unemployed obligor to complete certain community service program, if available; 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 Thursday, February 14, 2013, at 9:00 a.m., which motion prevailed.

## **COMMITTEE REPORTS**

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

### **SB 233** – Rules

Ayes: Barrington, Branan, Brinkley, David, Fields, Ford, Griffin, Halligan, Johnson (Constance), Johnson (Rob), Jolley, Marlatt, McAffrey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Wyrick

### **SB 282** – Rules

Ayes: Barrington, Branan, Brinkley, David, Fields, Ford, Griffin, Halligan, Johnson (Constance), Johnson (Rob), Jolley, Marlatt, McAffrey, Shumate, Simpson, Standridge, Stanislawski

Nays: Sparks, Wyrick

### **SB 287** – Rules

Ayes: Barrington, Branan, Brinkley, David, Fields, Ford, Griffin, Halligan, Johnson (Constance), Johnson (Rob), Jolley, Marlatt, McAffrey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Wyrick

### **SB 772** – Veterans and Military Affairs

Ayes: Allen, Anderson, Ballenger, Barrington, Boggs, Dahm, Garrison, Ivester, Sharp, Simpson, Sparks

### **SB 820** – Rules

Ayes: Barrington, Branan, Brinkley, David, Fields, Ford, Griffin, Halligan, Johnson (Constance), Johnson (Rob), Jolley, Marlatt, McAffrey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Wyrick

### **SJR 4** – Veterans and Military Affairs

Ayes: Allen, Anderson, Ballenger, Barrington, Boggs, Brooks, Dahm, Garrison, Ivester, Loveless, Sharp, Simpson, Sparks

### **SCR 4** – Veterans and Military Affairs

Ayes: Allen, Anderson, Ballenger, Barrington, Boggs, Brecheen, Brooks, Dahm, Garrison, Ivester, Loveless, Sharp, Shaw, Simpson, Sparks

DO PASS, As Amended:

**SB 231** – Appropriations

Ayes: Bass, Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick

**SB 254** – Appropriations

Ayes: Bass, Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Stanislawski, Sykes, Treat, Wyrick

**SB 425** – Appropriations

Ayes: Bass, Brinkley, David, Fields, Ford, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Marlatt, Newberry, Standridge, Stanislawski, Sykes, Treat

Nays: Coates, Crain, Ellis, Wyrick

**SB 495** – Appropriations

Ayes: Bass, Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Marlatt, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick

**SB 557** – Appropriations

Ayes: Bass, Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Marlatt, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick

**SB 630** – Appropriations

Ayes: Bass, Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Marlatt, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick

**SB 646** – Appropriations

Ayes: Bass, Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Ivester, Johnson (Constance), Jolley, Justice, Marlatt, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick

**SB 648** – Appropriations

Ayes: Bass, Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Ivester, Johnson (Constance), Jolley, Justice, Schulz, Stanislawski, Sykes, Treat, Wyrick

**SB 668** – Rules

Ayes: Barrington, Branan, Brinkley, David, Fields, Ford, Griffin, Halligan, Johnson (Constance), Johnson (Rob), Jolley, Marlatt, McAffrey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Wyrick

**SB 779** – Appropriations

Ayes: Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Ivester, Johnson (Constance), Jolley, Justice, Stanislawski, Sykes, Treat

**SB 863** – Appropriations

Ayes: Bass, Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Johnson (Constance), Jolley, Justice, Marlatt, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick

Nays: Ivester

**SB 942** – Appropriations

Ayes: Bass, Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Stanislawski, Sykes, Treat, Wyrick

**SB 955** – Appropriations, coauthored by Nelson (principal House author)

Ayes: Brinkley, Coates, Fields, Ford, Griffin, Halligan, Holt, Jolley, Justice, Marlatt, Newberry, Standridge, Stanislawski, Sykes, Treat

Nays: Bass, Crain, David, Ellis, Ivester, Johnson (Constance), Wyrick

**CS for SJR 32** – Appropriations

Ayes: Bass, Brinkley, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Standridge, Stanislawski, Sykes, Treat, Wyrick

FAILED:

**SB 62** – Transportation

Ayes: Bass, Brooks, Loveless, McAffrey, Paddack

Nays: Barrington, Branan, Marlatt, Newberry, Shaw, Standridge, Stanislawski

**COMMITTEE REPORTS**

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

DO PASS:

**SB 228** – Veterans and Military Affairs

Ayes: Allen, Anderson, Ballenger, Barrington, Boggs, Brecheen, Brooks, Dahm, Garrison, Ivester, Loveless, Sharp, Shaw, Shortey, Simpson, Sparks

**SB 527** – Veterans and Military Affairs

Ayes: Allen, Anderson, Ballenger, Barrington, Boggs, Dahm, Garrison, Ivester, Sharp, Simpson, Sparks

**SJR 16** – Veterans and Military Affairs

Ayes: Allen, Anderson, Ballenger, Barrington, Boggs, Brecheen, Brooks, Dahm, Garrison, Ivester, Loveless, Sharp, Shaw, Simpson, Sparks

DO PASS, As Amended:

**SB 237** – Veterans and Military Affairs

Ayes: Allen, Anderson, Ballenger, Barrington, Boggs, Brecheen, Brooks, Dahm, Garrison, Ivester, Loveless, Sharp, Shaw, Simpson, Sparks

**CS for SB 629** – Veterans and Military Affairs

Ayes: Allen, Anderson, Ballenger, Barrington, Boggs, Brecheen, Brooks, Brown, Dahm, Garrison, Ivester, Loveless, Sharp, Shaw, Simpson, Sparks

**CHANGE IN AUTHORS/COAUTHORS**

The following measure was authored/coauthored:

**SB 955** - Coauthored by Nelson (principal House author)

Pursuant to the Schulz motion, the Senate adjourned at 2:05 p.m. to meet Thursday, February 14, 2013, at 9:00 a.m.