

# Senate Journal

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

**Ninth Legislative Day, Thursday, February 14, 2013**

The Senate was called to order by Senator Johnson (Rob).

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 Johnson (Rob) 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 MEASURES

**SBs 166, 167 and 321** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### INTRODUCTION

Senator Halligan introduced his wife, Ann, to the Senate.

### CHANGE IN COMMITTEE ASSIGNMENT

**SB 36** – Withdrawn from Health and Human Services and referred to General Government

**SB 937** – Withdrawn from Rules and referred to Judiciary

**EXECUTIVE NOMINATIONS**

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

Burgess, Bradley W., Lawton, to the Transportation Commission, to serve an eight year term ending February 15, 2021, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Randy Bass.

Hern, Kevin, Tulsa, to the Oklahoma Turnpike Authority, to serve an eight year term ending July 1, 2021, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Gary Stanislawski.

Huckabay, C. Todd, Snyder, to the Transportation Commission, to serve an eight year term ending February 15, 2021, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Mike Schulz.

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, Brinkley, Brooks, Brown, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Sparks, Standridge, Stanislawski, Sykes and Treat.--40.

Excused: Bingman, Brecheen, Burrage, Coates, Jolley, Mazzei, Simpson and Wyrick.--8.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1480, 1484, 1522, 1523, 1524, 1743 and 1924.**

**HB 1480** – By Murphey and Ritze of the House and Loveless of the Senate.

An Act relating to agriculture; repealing 2 O.S. 2011, Section 3-2, which relates to the Fire Ant Research and Management Advisory Committee; and providing an effective date.

**HB 1484** – By Murphey and Ritze of the House and Loveless of the Senate.

An Act relating to public health and safety; repealing 63 O.S. 2011, Sections 683.25, 683.26, 683.27, as amended by Section 507, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2012, Section 683.27), 683.28, 683.30, 683.31, 683.32, 683.33 and 683.34, which relate to the Oklahoma Volunteerism Act; and providing an effective date.

**HB 1522** – By Cleveland and Ritze of the House and Standridge of the Senate.

An Act relating to crimes and punishments; repealing 21 O.S. 2011, Section 1763, which relates to reckless horse racing; and providing an effective date.

**HB 1523** – By Cleveland and Ritze of the House and Standridge of the Senate.

An Act relating to crimes and punishments; repealing 21 O.S. 2011, Section 471, which relates to free passes and franks for passengers; and providing an effective date.

**HB 1524** – By Cleveland of the House and Standridge of the Senate.

An Act relating to crimes and punishments; repealing 21 O.S. 2011, Section 955, which relates to duties of railroad employees and bystanders; and providing an effective date.

**HB 1743** – By Wright of the House and Sykes of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 991a, which relates to sentencing powers of the court; modifying certain fee amount; providing definition for victims impact panel program; amending 22 O.S. 2011, Section 991c, which relates to deferred sentencing; providing statutory reference; modifying certain fee amount; amending 47 O.S. 2011, Section 11-902, as amended by Section 13, Chapter 11, O.S.L. 2012 (47 O.S. Supp. 2012, Section 11-902), which relates to persons under the influence of alcohol or other intoxicating substance; providing statutory reference; modifying certain fee amount; and providing an effective date.

**HB 1924** – By DeWitt, Johnson and Pittman of the House and Griffin of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2011, Section 421.1, which relates to the procedures for sale of certain property; authorizing board of county commissioners to solicit certain bids; 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 Monday, February 18, 2013, 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 1** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, McAffrey, Shaw

**SB 33** – Energy

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Marlatt, Paddack, Standridge, Treat

**SB 191** – Energy, coauthored by Jackson (principal House author)

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Ivester, Johnson (Constance), Jolley, Justice, Marlatt, Paddack, Standridge, Treat, Wyrick

**SB 263** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, Holt, McAffrey, Shaw, Shortey

**SB 406** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, Holt, McAffrey, Shaw, Shortey

**SB 550** – Business and Commerce

Ayes: Dahm, Ford, Newberry, Sharp, Sykes

Nays: Garrison, Shumate

**SB 788** – Business and Commerce, coauthored by McDaniel (Randy) (principal House author)

Ayes: Coates, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

**SB 854** – Business and Commerce, coauthored by Derby (principal House author)

Ayes: Anderson, Coates, Crain, Dahm, Ford, Garrison, Newberry, Sharp, Shumate

**SB 991** – Insurance

Ayes: Aldridge, Brooks, Brown, Loveless, Stanislawski

Nays: Bass, Sparks

**SB 1025** – Business and Commerce

Ayes: Coates, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

**SB 1053** – Business and Commerce

Ayes: Coates, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

**SB 1060** – Business and Commerce

Ayes: Coates, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

DO PASS, As Amended:

**CS for SB 25** – Energy

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Ivester, Johnson (Constance), Jolley, Justice, Marlatt, Paddack, Standridge, Treat, Wyrick

**SB 217** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, McAffrey, Shaw

**CS for SB 315** – Public Safety, coauthored by Cooksey (principal House author)

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, Holt, McAffrey, Shaw, Shortey

**SB 360** – Energy, coauthored by Cox (principal House author)

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Marlatt, Paddack, Standridge, Treat, Wyrick

**SB 520** – Business and Commerce

Ayes: Coates, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

**CS for SB 692** – Insurance

Ayes: Aldridge, Bass, Brooks, Brown, Loveless, Sparks, Stanislawski

**CS for SB 698** – Insurance, coauthored by Mulready (principal House author)

Ayes: Aldridge, Bass, Brooks, Brown, Loveless, Sparks, Stanislawski

**SB 814** – Business and Commerce

Ayes: Anderson, Coates, Crain, Dahm, Ford, Garrison, Newberry, Sharp, Shumate

**CS for SB 912** – Energy, coauthored by Schwartz (principal House author)

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Johnson (Rob), Jolley, Treat, Wyrick  
Nays: Ivester, Johnson (Constance), Justice, Marlatt

**CS for SB 969** – Energy

Ayes: Branan, Brinkley, Fields, Griffin, Ivester, Johnson (Constance), Jolley, Justice, Marlatt, Paddack, Standridge, Treat, Wyrick

**CS for SB 1000** – Insurance

Ayes: Aldridge, Bass, Brooks, Brown, Loveless, Sparks, Stanislawski

**SB 1013** – Business and Commerce

Ayes: Coates, Dahm, Ford, Garrison, Newberry, Sharp, Sykes

**SB 1022** – Business and Commerce, coauthored by Echols (principal House author)

Ayes: Anderson, Coates, Crain, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

**SB 1058** – Business and Commerce

Ayes: Coates, Dahm, Ford, Garrison, Newberry, Schulz, Sharp, Sykes

**SB 1068** – Business and Commerce, coauthored by McBride (principal House author)

Ayes: Coates, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

**COMMITTEE REPORTS**

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

**DO PASS:****SB 71** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, Holt, McAffrey, Shaw, Shortey

**SB 106** – Energy

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Ivester, Johnson (Constance), Johnson (Rob), Justice, Treat, Wyrick

**SB 162** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, McAffrey, Shaw

**SB 765** – Insurance, coauthored by Derby (principal House author)

Ayes: Bass, Brooks, Sparks, Stanislawski

Nays: Aldridge, Brown, Loveless

**SB 933** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, Holt, McAffrey, Shaw, Shortey

**SB 995** – Public Safety, coauthored by Martin (Steve) (principal House author)

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, Holt, McAffrey, Shaw, Shortey

**DO PASS, As Amended:****SB 72** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, Holt, McAffrey, Shaw

Nays: Shortey

**SB 82** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, Holt

Nays: David, McAffrey, Shaw, Shortey

**SB 488** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, Holt, McAffrey, Shaw, Shortey

**CS for SB 512** – Public Safety

Ayes: Ballenger, Barrington, Brecheen, David, Holt, McAffrey, Shaw

Nays: Shortey

**CS for SB 621** – Energy

Ayes: Branan, Brinkley, Fields, Griffin, Halligan, Ivester, Johnson (Constance), Jolley, Justice, Marlatt, Paddack, Standridge, Treat, Wyrick

**CS for SB 652** – Public Safety

Ayes: Ballenger, Barrington, Boggs, Brecheen, David, Holt, McAffrey, Shaw

**CS for SB 792** – Business and Commerce, coauthored by Jackson (principal House author)

Ayes: Coates, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

**CS for SJR 17** – Public Safety

Ayes: Ballenger, Barrington, Brecheen, David, McAffrey, Shaw

**SECOND READING**

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

**HB 1646** – Judiciary

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 191** - Coauthored by Jackson (principal House author)

**SB 315** - Coauthored by Cooksey (principal House author)

**SB 360** - Coauthored by Cox (principal House author)

**SB 648** - Coauthored by Ivester

**SB 698** - Coauthored by Mulready (principal House author)

**SB 765** - Coauthored by Derby (principal House author)

**SB 788** - Coauthored by McDaniel (Randy) (principal House author)

**SB 792** - Coauthored by Jackson (principal House author)

**SB 854** - Coauthored by Derby (principal House author)

**SB 912** - Coauthored by Schwartz (principal House author)

**SB 995** - Coauthored by Martin (Steve) (principal House author)

**SB 1022** - Coauthored by Echols (principal House author)

**SB 1068** - Coauthored by McBride (principal House author)

**SCR 4** - Coauthored by Ivester

**SJR 4** - Coauthored by Ivester

Pursuant to the Schulz motion, the Senate adjourned at 9:30 a.m. to meet Monday, February 18, 2013, at 1:30 p.m.