

# Senate Journal

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

Fourteenth Legislative Day, Monday, February 25, 2013

The Senate was called to order by Senator David.

Roll Call:

Present: Aldridge, Allen, 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, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.—45.

Excused: Anderson, Marlatt and Mazzei.—3.

Senator David declared a quorum present.

The prayer was offered by Tony "Mack" McMullen, Free in Christ Ministries, Coweta, the guest of Senator Brown.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 26, 320, 522 and 945** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### CHANGES IN COMMITTEE ASSIGNMENT

The following bills will be reassigned as follows:

**SB 456** – Withdrawn from Rules and referred to Health and Human Services

**SB 924** – Withdrawn from Business and Commerce and referred to General Government

**GENERAL ORDER**

**SB 70** by Stanislawski of the Senate and Joyner of the House was called up for consideration.

Senator Stanislawski moved that **SB 70** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 70** was read for the third time at length.

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

Aye: Aldridge, 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, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--42.

Excused: Allen, Anderson, Coates, Marlatt, Mazzei and McAffrey.--6.

The bill passed.

**SB 70** was referred for engrossment.

**GENERAL ORDER**

**SB 659** by Justice of the Senate and Jackson of the House was called up for consideration.

Senator Justice moved to amend **SB 659**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Justice moved that **SB 659** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 659** was read for the third time at length.

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

Aye: Aldridge, Allen, 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, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Anderson, Coates, Marlatt and McAffrey.--4.

The bill passed.

**SB 659** was referred for engrossment.

### **GENERAL ORDER**

**SB 848** by Justice of the Senate and Jackson of the House was called up for consideration.

Senator Justice moved that **SB 848** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 848** was read for the third time at length.

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

Aye: Aldridge, Allen, 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, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Anderson, Coates, Marlatt and McAffrey.--4.

The bill and emergency passed.

**SB 848** was referred for engrossment.

### **GENERAL ORDER**

**SB 343** by Mazzei of the Senate and Sears of the House was called up for consideration.

Senator Mazzei moved that **SB 343** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 343** was read for the third time at length.

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

Aye: Aldridge, Allen, 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, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Anderson, Coates, Marlatt and McAffrey.--4.

The bill passed.

**SB 343** was referred for engrossment.

**GENERAL ORDER**

**SB 387** by Mazzei of the Senate and Sears of the House was called up for consideration.

Senator Mazzei moved that **SB 387** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 387** was read for the third time at length.

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

Aye: Aldridge, Allen, 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, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Anderson, Coates, Marlatt and McAffrey.--4.

The bill passed.

**SB 387** was referred for engrossment.

**GENERAL ORDER**

**SB 1015** by Newberry of the Senate and Hickman of the House was called up for consideration.

Senator Newberry moved that **SB 1015** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1015** was read for the third time at length.

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

Aye: Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Loveless, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--42.

Nay: Johnson (C) and Shumate.--2.

Excused: Anderson, Coates, Marlatt and McAffrey.--4.

The bill passed.

**SB 1015** was referred for engrossment.

**GENERAL ORDER**

**SB 844** by Treat of the Senate and Turner of the House was called up for consideration.

Senator Treat moved that **SB 844** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 844** was read for the third time at length.

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

Aye: Aldridge, Allen, 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, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Anderson, Coates, Marlatt and McAffrey.--4.

The bill passed.

**SB 844** was referred for engrossment.

### **GENERAL ORDER**

**SJR 32** by Treat of the Senate and Nelson of the House was called up for consideration.

Senator Treat moved that **SJR 32** be advanced, which motion was declared adopted.

### **THIRD READING**

**SJR 32** was read for the third time at length.

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

Aye: Aldridge, Allen, 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, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Anderson, Coates, Marlatt and McAffrey.--4.

The resolution passed.

**SJR 32** was referred for engrossment.

### **GENERAL ORDER**

**SB 330** by Jolley et al of the Senate and Sears of the House was called up for consideration.

Senator Jolley moved that **SB 330** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 330** 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, 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, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--42.

Nay: Aldridge.--1.

Excused: Anderson, Coates, Marlatt, Mazzei and McAffrey.--5.

The bill and emergency passed.

**SB 330** was referred for engrossment.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1009** and **1340**.

**HB 1009** – By Brown and Pittman of the House and Burrage of the Senate.

An Act relating to torts; amending 76 O.S. 2011, Section 10.1, which relates to limitation on landowner liability; modifying definitions; and providing an effective date.

**HB 1340** – By Biggs of the House and David of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 996.1, which relates to the Delayed Sentencing Program for Young Adults; modifying certain definition; 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 Tuesday, February 26, 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 37** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**SB 91** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Sharp, Shaw, Stanislawski

**SB 156** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Sharp, Shaw, Sparks, Stanislawski

**SB 171** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Stanislawski

**SB 200** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**SB 230** – Education

Ayes: Brecheen, Ford, Halligan, Holt, Jolley, Shaw, Stanislawski

Nays: Garrison, Paddack, Sharp, Sparks

**SB 244** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Sparks, Stanislawski

**SB 302** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**SB 372** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

**SB 419** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Stanislawski

**SB 426** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Stanislawski

**SB 631** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Stanislawski

**SB 638** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Jolley, Paddack, Shaw, Stanislawski  
Nays: Sharp

**SB 683** – Education

Ayes: Brecheen, Ford, Halligan, Holt, Jolley, Sharp, Shaw, Stanislawski

**SB 865** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

**SB 1074** – General Government, coauthored by Echols (principal House author)

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

DO PASS, As Amended:

**CS for SB 27** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**CS for SB 182** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**CS for SB 251** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Sparks, Stanislawski

**SB 280** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Sparks, Stanislawski

**CS for SB 298** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**SB 301** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**CS for SB 431** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Jolley, Paddack, Sharp, Shaw, Stanislawski

**CS for SB 451** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate

Nays: Standridge

**CS for SB 456** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**CS for SB 500** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

**CS for SB 501** – General Government, remove as principal author Representative Wesselhoft and substitute with Representative Ownbey

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

**CS for SB 559** – Education

Ayes: Brecheen, Ford, Halligan, Holt, Jolley, Sharp, Shaw, Stanislawski

Nays: Garrison, Paddack

**CS for SB 587** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**CS for SB 592** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**CS for SB 598** – General Government

Ayes: Aldridge, Ballenger, Dahm, Johnson (Rob), Loveless, Treat

Nays: Ellis

**CS for SB 670** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

**CS for SB 682** – Education

Ayes: Brecheen, Ford, Garrison, Halligan, Holt, Sharp, Shaw, Sparks, Stanislawski

**CS for SB 734** – Pensions

Ayes: Branan, Brinkley, Brooks, Brown, Ivester

**CS for SB 767** – General Government, coauthored by Jackson (principal House author)

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

**CS for SB 802** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**CS for SB 915** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**CS for SB 924** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

**CS for SB 929** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**CS for SB 1001** – Education

Ayes: Brecheen, Ford, Halligan, Holt, Jolley, Sharp, Shaw

Nays: Garrison, Paddack, Stanislawski

**CS for SB 1009** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

**CS for SB 1012** – General Government

Ayes: Aldridge, Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

**SB 1026** – General Government

Ayes: Ballenger, Dahm, Ellis, Johnson (Rob), Loveless, Treat

Nays: Aldridge

FAILED:

**SB 710** – Health and Human Services

Ayes: Johnson (Constance), Shumate

Nays: Crain, David, Griffin, Newberry, Standridge

**COMMITTEE REPORT**

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

DO PASS, As Amended:

**SB 688** – Health and Human Services

Ayes: Crain, David, Griffin, Johnson (Constance), Newberry, Shumate, Standridge

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

- SB 79** - Coauthored by Fields
- SB 143** - Coauthored by Shortey
- SB 173** - Coauthored by Shortey
- SB 228** - Coauthored by Ivester
- SB 276** - Coauthored by Johnson (Constance)
- SB 372** - Coauthored by Thomsen (principal House author)
- SB 399** - Coauthored by Marlatt, Bass, Standridge
- SB 408** - Coauthored by Shortey
- SB 431** - Coauthored by Cooksey (principal House author)
- SB 456** - Coauthored by Hulbert (principal House author)
- SB 462** - Coauthored by Johnson (Constance)
- SB 486** - Coauthored by Standridge
- SB 489** - Coauthored by Johnson (Constance)
- SB 501** - Remove as author Senator Treat; authored by Senator Simpson; Remove as principal author Representative Wesselhoft and substitute with Representative Ownbey
- SB 549** - Coauthored by Shortey
- SB 639** - Coauthored by Ivester
- SB 667** - Coauthored by Marlatt
- SB 708** - Coauthored by Fields
- SB 710** - Coauthored by Scott (principal House author)
- SB 767** - Coauthored by Jackson (principal House author)
- SB 864** - Coauthored by Sparks
- SB 865** - Coauthored by Biggs (principal House author)
- SB 884** - Coauthored by Shortey
- SB 887** - Coauthored by Stanislawski
- SB 913** - Coauthored by Fields
- SB 934** - Coauthored by Shortey, Brecheen
- SB 955** - Coauthored by Fields
- SB 959** - Coauthored by Brecheen
- SB 996** - Coauthored by Fields
- SB 1027** - Coauthored by Brecheen
- SB 1046** - Remove as principal author Representative Derby and substitute with Representative Hulbert
- SB 1062** - Coauthored by Fields, Brooks
- SB 1074** - Coauthored by Echols (principal House author)
- HB 1009** - Coauthored by Pittman
- HB 1058** - Coauthored by Peterson, Quinn, Scott
- HB 1068** - Coauthored by Shelton, McDaniel (Jeannie)

Pursuant to the Schulz motion, the Senate adjourned at 2:35 p.m. to meet Tuesday, February 26, 2013, at 1:30 p.m.