

Senate Journal

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

Fifty-third Legislative Day, Tuesday, May 7, 2013

The Senate was called to order by Senator Griffin.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branam, 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 Griffin declared a quorum present.

The prayer was offered by Dr. Elaine A. Robinson, St. Paul School of Theology, Oklahoma City, the guest of Senator Johnson (Constance).

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 89, 374, 578, 652, 667, 819, 907, 919, 926, 1008 and 1083 and SJR 32 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAS

HAs to SB 498 were concurred in upon motion of Senator Brinkley.

SB 498, as amended by the Honorable House, was read at length.

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

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

Excused: Jolley, Mazzei and Wyrick.--3.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SB 655** were concurred in upon motion of Senator Newberry.

SB 655, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, 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), Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks and Stanislawski.--40.

Nay: Allen, Shortey, Standridge, Sykes and Treat.--5.

Excused: Jolley, Mazzei and Wyrick.--3.

The bill passed.

Senator Shortey desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 41; Nay: 4; Excused: 3.

The emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 759 were concurred in upon motion of Senator Sykes.

SB 759, as amended by the Honorable House, was read at length.

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

Aye: 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), Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Jolley, Marlatt, Mazzei and Wyrick.--4.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 864 were concurred in upon motion of Senator Sykes.

SB 864, as amended by the Honorable House, was read at length.

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

Aye: 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), Justice, Loveless, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--45.

Excused: Jolley, Marlatt and Wyrick.--3.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 678 were concurred in upon motion of Senator Sparks.

SB 678, as amended by the Honorable House, was read at length.

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

Aye: 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), Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Jolley, Marlatt, Mazzei and Wyrick.--4.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 708 were concurred in upon motion of Senator Sparks.

SB 708, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--40.

Nay: Dahm, Johnson (C), Shortey and Shumate.--4.

Excused: Jolley, Marlatt, Mazzei and Wyrick.--4.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 406 were concurred in upon motion of Senator Anderson.

SB 406, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski and Treat.--40.

Nay: Brown, Holt, Shortey and Sykes.--4.

Excused: Jolley, Marlatt, Mazzei and Wyrick.--4.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 97 were concurred in upon motion of Senator Brecheen.

SB 97, as amended by the Honorable House, was read at length.

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

Aye: 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), Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski and Treat.--42.

Nay: Sykes.--1.

Excused: Johnson (R), Jolley, Marlatt, Mazzei and Wyrick.--5.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 283 were concurred in upon motion of Senator Brecheen.

SB 283, as amended by the Honorable House, was read at length.

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

Aye: 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), Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Jolley, Marlatt, Mazzei and Wyrick.--4.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 780 were concurred in upon motion of Senator Brecheen.

SB 780, as amended by the Honorable House, was read 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, Coates, Crain, Dahm, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--41.

Nay: Allen, David and Ivester.--3.

Excused: Jolley, Marlatt, Mazzei and Wyrick.--4.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Ford asked unanimous consent to refer **HCR 1015** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1015 by Nelson et al of the House and Ford of the Senate was called up for consideration.

HCR 1015 was adopted upon motion of Senator Ford, properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SB 402 were concurred in upon motion of Senator Justice.

SB 402, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski and Treat.--43.

Nay: Dahm and Sykes.--2.

Excused: Bingman, Marlatt and Wyrick.--3.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 332 were concurred in upon motion of Senator Mazzei.

SB 332, as amended by the Honorable House, was read at length.

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

Aye: 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, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--46.

Excused: Marlatt and Wyrick.--2.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Jolley asked unanimous consent to refer **SR 28** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 28 by Jolley was called up for consideration.

SR 28 was adopted upon motion of Senator Jolley and referred for enrollment.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Schulz, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

SB 355 – Anderson, Sykes, Holt, Ivester, Sparks, Johnson (Rob)

SB 432 – GCCA

SB 584 – Schulz, Stanislawski, Marlatt, Boggs, Ballenger, Garrison

SB 645 – GCCA

SB 751 – Schulz, Barrington, Ford, Treat, Garrison, Ballenger

SB 814 – Anderson, Newberry, Branan, Barrington, Garrison, Ellis

SB 929 – David, Crain, Griffin, Brinkley, Shumate, Johnson (Constance)

SB 1034 – David, Sykes, Griffin, Brinkley, Shumate, Johnson (Constance)

HB 1109 – David, Crain, Griffin, Treat, Burrage, Ivester

HB 1264 – Jolley, Ford, Stanislawski, Halligan, Burrage, Shumate

HB 1303 – Burrage, Ford, Treat, Ballenger, Crain, Brinkley

HB 1441 – Standridge, Barrington, Loveless, David, McAffrey, Ballenger
HB 1612 – GCCA
HB 1623 – McAffrey, Crain, Brooks, Garrison, David, Griffin
HB 1763 – GCCA
HB 1989 – Treat, Griffin, Ford, Brinkley, Garrison, Paddack
HB 2055 – Treat, Griffin, Bingman, Schulz, Burrage, Sparks
HB 2087 – Jolley, Ford, Stanislawski, David, Shumate, Burrage
HB 2099 – GCCA
HB 2164 – Sparks, Sykes, Johnson (Rob), Anderson, Griffin, Ivester

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1002, 1092, 1098, 1245, 1324, 1397, 1423, 1464, 1469, 1641, 1672, 1742, 1745, 1871, 1883, 1987, 2005, 2032 and 2201.**

The above-numbered enrolled measures were, after fourth reading, properly signed and ordered returned to the Honorable House.

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1361, 1759, 2072, 2077 and 2188.**

Advising fourth reading of and returning Enrolled **SBs 89, 374, 578, 652, 667, 819, 907, 919, 926, 1008, 1083 and SJR 32.**

The above-numbered enrolled measures were referred to the Governor.

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

SB 156 - Conference Committee on Higher Education and Career Tech
SB 173 - Conference Committee on Public Safety
SB 249 - Conference Committee on Judiciary
SB 355 - Conference Committee on Judiciary
SB 365 - Conference Committee on Economic Development and Financial Services
SB 408 - Conference Committee on Public Safety
SB 460 - Conference Committee on Human Services
SB 550 - GCCA
SB 584 - Conference Committee on Transportation
SB 679 - Conference Committee on Judiciary
SB 688 - Conference Committee on Human Services
SB 700 - Conference Committee on Insurance

SB 751 - Conference Committee on Public Safety
SB 814 - Conference Committee on Economic Development and Financial Services
SB 911 - Conference Committee on Insurance
SB 965 - Conference Committee on Agriculture and Wildlife
SB 1016 - Conference Committee on Judiciary

Advising naming House conferees on Engrossed:

HB 1303 - Conference Committee on Common Education
HB 1441 - Conference Committee on Public Safety
HB 1886 - Conference Committee on Economic Development and Financial Services
HB 1923 - GCCA
HB 1989 - Conference Committee on Government Modernization
HB 2087 - Conference Committee on Common Education
HB 2226 - Conference Committee on Public Health

EXECUTIVE NOMINATIONS

The following executive nominations were read and referred to the committee indicated:

Baskin, Darryl G., Tulsa, as a member of the Committee on Home Inspector Examiners - Business and Commerce

Clark, Robert A., Yukon, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Dunkerley, J. Kelly, Jenks, as a member of the Air Quality Advisory Council - Energy

Getchell, Robert J., Tulsa, as a member of the Oklahoma Abstractors Board - Business and Commerce

Grant, Maurice L., Claremore, as a member of the Alarm and Locksmith Industry Committee - Business and Commerce

Halford-Pandos, Jerletta M., Kellyville, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Hixson, Wendell M., Yukon, as a member of the Board of Juvenile Affairs - Health and Human Services

Holloway, Ann, Ardmore, as a member of the Oklahoma State Regents for Higher Education - Education

Holquin, Eric J., Ardmore, as a member of the Board of Trustees for the University Center of Southern Oklahoma - Education

Hudson, Jerrold L., Tulsa, as a member of the Oklahoma State University Medical Authority - Health and Human Services

MacMillan, Robert D., Claremore, as the Director of the Office of Disability Concerns - Health and Human Services

Nero, Donnie L., Clearview, as a member of the Board of Juvenile Affairs - Health and Human Services

Perry, James R., Edmond, as a member of the Alarm and Locksmith Industry Committee - Business and Commerce

Stewart, R. Scott, Shawnee, as a member of the State Board of Health - Health and Human Services

Stone, Gary L., Claremore, as a member of the Committee of Home Inspector Examiners - Business and Commerce

Williams, Scott, W.M.A., Edmond, as a member of the Board of Juvenile Affairs - Health and Human Services

Willis, Robert L., Edmond, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 8, 2013, at 1:30 p.m., which motion prevailed.

SECOND READING

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

SB 1131 – Joint Committee on Appropriations and Budget

SB 1132 – Joint Committee on Appropriations and Budget

FIRST READING

The following were introduced and read the first time:

SB 1133 – By Jolley and Justice of the Senate and Martin (Scott) and Newell of the House.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 101, which relates to the Tax Code; clarifying language; and providing an effective date.

SB 1134 – By Jolley and Justice of the Senate and Martin (Scott) and Newell of the House.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 101, which relates to the Tax Code; clarifying language; and providing an effective date.

SB 1135 – By Jolley and Justice of the Senate and Martin (Scott) and Newell of the House.

An Act relating to public finance; amending 62 O.S. 2011, Section 34, which relates to the Oklahoma State Finance Act; clarifying language; and providing an effective date.

SB 1136 – By Jolley and Justice of the Senate and Martin (Scott) and Newell of the House.

An Act relating to public finance; amending 62 O.S. 2011, Section 34, which relates to the Oklahoma State Finance Act; clarifying language; and providing an effective date.

SB 1137 – By Jolley and Justice of the Senate and Martin (Scott) and Newell of the House.

An Act relating to state government; amending 74 O.S. 2011, Section 85.45d, which relates to inability to award contract; updating statutory reference; and providing an effective date.

SB 1138 – By Jolley and Justice of the Senate and Martin (Scott) and Newell of the House.

An Act relating to state government; amending 74 O.S. 2011, Section 85.45d, which relates to inability to award contract; updating statutory reference; and providing an effective date.

SB 1139 – By Jolley and Justice of the Senate and Martin (Scott) and Newell of the House.

An Act relating to the State Department of Education; making an appropriation to the State Department of Education; stating purpose; providing for duties and compensation of employees; providing budgetary limitations; and providing an effective date.

SCR 30 – By Paddack of the Senate and Thomsen of the House.

A Concurrent Resolution congratulating Deborah Cornelison for being inducted into the National Teachers Hall of Fame; applauding her for her dedication to her students; and directing distribution.

SR 30 – By Shortey.

A Resolution thanking Stan Barton for his service to the Oklahoma YMCA Youth in Government Program; and directing distribution.

SR 31 – By Schulz.

A Resolution honoring long-time Senate Sergeant-at-Arms Bob Gilmore and his service to his state and nation; and directing distribution.

SR 32 – By Bingman and Burrage.

A Resolution commending the Cherokee Nation; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 97 - Coauthored by Peterson

SB 759 - Coauthored by Newberry

SB 864 - Coauthored by Mazzei

SB 1133 - Coauthored by Newell; Coauthored by Martin (Scott) (principal House author); Coauthored by Justice; Authored by Senator Jolley

SB 1134 - Coauthored by Newell; Authored by Senator Jolley; Coauthored by Justice; Coauthored by Martin (Scott) (principal House author)

SB 1135 - Coauthored by Newell; Coauthored by Martin (Scott) (principal House author); Coauthored by Justice; Authored by Senator Jolley

SB 1136 - Coauthored by Newell; Authored by Senator Jolley; Coauthored by Justice; Coauthored by Martin (Scott) (principal House author)

SB 1137 - Coauthored by Newell; Authored by Senator Jolley; Coauthored by Justice; Coauthored by Martin (Scott) (principal House author)

SB 1138 - Coauthored by Newell; Coauthored by Martin (Scott) (principal House author); Authored by Senator Jolley; Coauthored by Justice

SB 1139 - Coauthored by Newell; Authored by Senator Jolley; Coauthored by Justice; Coauthored by Martin (Scott) (principal House author)

SCR 30 - Coauthored by Thomsen (principal House author); Authored by Senator Paddack

SR 28 - Coauthored by all other Senators

SR 30 - Authored by Senator Shortey

SR 31 - Authored by Senator Schulz

SR 32 - Coauthored by Burrage; Authored by Senator Bingman

MESSAGE FROM THE GOVERNOR

Advising her approval May 7, 2013, of Enrolled SBs **1, 228, 267, 295, 396, 404, 495, 581, 596, 630, 682, 779, 886, 887** and **1000**.

Pursuant to the Schulz motion, the Senate adjourned at 3:05 p.m. to meet Wednesday, May 8, 2013, at 1:30 p.m.