

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SB 36 – Withdrawn from Health and Human Services and referred to General Government

SB 937 – Withdrawn from Rules and referred to Judiciary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.