

Senate Journal

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

Thirteenth Legislative Day, Thursday, February 21, 2013

The Senate was called to order by Senator Brinkley.

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, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.—44.

Excused: Anderson, Halligan, Holt and Mazzei.—4.

Senator Brinkley declared a quorum present.

The prayer was offered by Pastor Bill Ledbetter, Fairview Baptist Church, Durant, the guest of Senator Brecheen.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 196, 331, 332, 347, 375, 931 and 1016 and SCR 7 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SB 501 – Withdrawn from Rules to General Government

SB 767 – Withdrawn from Rules and referred to General Government

GENERAL ORDER

SB 26 by Stanislawski of the Senate and Jordan of the House was called up for consideration.

Senator Stanislawski moved that **SB 26** be advanced, which motion was declared adopted.

THIRD READING

SB 26 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, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--42.

Excused: Anderson, Halligan, Holt, Ivester, Mazzei and Wyrick.--6.

The bill passed.

SB 26 was referred for engrossment.

GENERAL ORDER

SB 320 by Shumate of the Senate and Matthews of the House was called up for consideration.

Senator Shumate moved that **SB 320** be advanced, which motion was declared adopted.

THIRD READING

SB 320 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, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--41.

Excused: Anderson, Burrage, Halligan, Holt, Ivester, Mazzei and Wyrick.--7.

The bill passed.

SB 320 was referred for engrossment.

GENERAL ORDER

SB 522 by Standridge of the Senate and Derby of the House was called up for consideration.

Senator Standridge moved to amend **SB 522**, Page 2, Lines 20 and 24, by deleting after the word “previous” and before the word “by” the words “eighteen (18)”, and inserting the words “twenty four (24)”.

Senator Sparks raised a point of order as to whether the Standridge amendment was considered an untimely amendment.

The Chair ruled that the amendment cycle on **SB 522** was extended by the Floor Leader and that the amendment was in order.

Senator Standridge pressed adoption of his amendment, which amendment failed of adoption.

Senator Standridge moved that **SB 522** be advanced, which motion was declared adopted.

THIRD READING

SB 522 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, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--42.

Excused: Anderson, Halligan, Holt, Ivester, Mazzei and Wyrick.--6.

The bill passed.

SB 522 was referred for engrossment.

GENERAL ORDER

SB 945 by Bingman and Standridge of the Senate and Martin (Scott) of the House was called up for consideration.

Senator Bingman moved to amend **SB 945**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Standridge moved that **SB 945** be advanced, which motion was declared adopted.

THIRD READING

SB 945 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, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--42.

Excused: Anderson, Halligan, Holt, Ivester, Mazzei and Wyrick.--6.

The bill and emergency passed.

SB 945 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1078, 1999** and **2078**.

HB 1078 – By Sanders of the House and Marlatt of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 583, which relates to used motor vehicle dealer licenses; and prohibiting manufactured home manufacturing facilities from conducting certain transactions.

HB 1999 – By McNiel, Newell, Blackwell, McBride, Wood, Bennett, Cockroft, McDaniel (Curtis) and Cannaday of the House and Fields of the Senate.

An Act relating to meat inspection; amending 2 O.S. 2011, Sections 6-182 and 6-192, which relate to the Oklahoma Meat Inspection Act; modifying definition; prohibiting the sale, possession and transferring of certain horsemeat; specifying that certain requirements apply to horsemeat for sale in this state; authorizing the State Commissioner of Health to

have access to certain vehicles and establishments; defining terms; modifying definition; repealing 63 O.S. 2011, Sections 1-1135, 1-1136, 1-1137, 1-1138 and 1-1139, which relate to horsemeat; and providing an effective date.

HB 2078 – By McDaniel (Randy) of the House and Mazzei of the Senate.

An Act relating to the Oklahoma Firefighters Pension and Retirement System; amending 11 O.S. 2011, Sections 49-100.1, as amended by Section 1, Chapter 364, O.S.L. 2012, 49-106.1, 49-117.1 and 49-122 (11 O.S. Supp. 2012, Section 49-100.1), which relate to definitions, the Deferred Retirement Option Plan, employer and employee contributions and terminations before normal retirement; modifying definitions; modifying minimum number of years of service credit for retirement eligibility for certain persons; modifying age-based rule for retirement eligibility; modifying provisions related to Deferred Retirement Option for certain persons; modifying maximum duration of participation; modifying authorized rate of return; providing for vesting of certain members based upon first employment date; modifying employee contribution rate; modifying employer contribution rate; amending 36 O.S. 2011, Section 312.1, which relates to the apportionment of insurance premium tax revenues; modifying apportionment of revenues to the Oklahoma Firefighters Pension and Retirement System; 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 25, 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 352 – Energy

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

SB 408 – Public Safety

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

SB 413 – Energy

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

SB 452 – Business and Commerce

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

SB 489 – Energy

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

SB 547 – Insurance

Ayes: Allen, Bass, Brooks, Brown, Sparks

Nays: Aldridge, Loveless, Stanislawski

SB 549 – Public Safety

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

SB 618 – Public Safety

Ayes: Ballenger, Boggs, Brecheen, David, Shaw

SB 817 – Business and Commerce, coauthored by Armes (principal House author)

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

SB 934 – Public Safety

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

SB 966 – Public Safety

Ayes: Ballenger, Boggs, Brecheen, David, Schulz, Shaw

SB 1027 – Public Safety, coauthored by Lockhart (principal House author)

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

SB 1031 – Business and Commerce

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

DO PASS, As Amended:

CS for SB 78 – Energy, coauthored by Fields

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

CS for SB 97 – Public Safety

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

CS for SB 143 – Public Safety

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

CS for SB 173 – Public Safety

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

SB 177 – Business and Commerce

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

CS for SB 325 – Business and Commerce

Ayes: Crain, Ellis, Ford, Garrison, Newberry, Sharp, Sykes

Nays: Coates, Dahm

SB 345 – Business and Commerce

Ayes: Coates, Crain, Ellis, Ford, Garrison, Sharp, Sykes

Nays: Dahm, Newberry

SB 348 – Energy, coauthored by Fields

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

Nays: Paddack, Simpson

CS for SB 478 – Energy

Ayes: Branan, Fields, Griffin, Ivester, Johnson (Constance), Johnson (Rob), Justice, Paddack, Simpson, Standridge, Wyrick

Nays: Marlatt, Treat

CS for SB 519 – Business and Commerce, coauthored by Newberry

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

SB 551 – Business and Commerce, coauthored by McAffrey

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

SB 633 – Business and Commerce

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

CS for SB 641 – Energy, coauthored by Fields

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

CS for SB 691 – Insurance, coauthored by Nelson (principal House author)

Ayes: Aldridge, Allen, Bass, Brown, Loveless, Stanislawski

Nays: Sparks

CS for SB 696 – Insurance

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

CS for SB 697 – Insurance

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

CS for SB 700 – Insurance

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

CS for SB 784 – Business and Commerce

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

SB 789 – Business and Commerce

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

CS for SB 831 – Public Safety, coauthored by Echols (principal House author)

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

CS for SB 849 – Business and Commerce

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

CS for SB 884 – Public Safety

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

CS for SB 886 – Public Safety

Ayes: Ballenger, Barrington, Boggs, David, Shaw

Nays: Shortey

CS for SB 925 – Business and Commerce

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

CS for SB 926 – Energy, coauthored by McNiel (principal House author)

Ayes: Branan, Fields, Griffin, Ivester, Johnson (Constance), Johnson (Rob), Justice, Marlatt, Paddack, Simpson, Treat, Wyrick

SB 959 – Public Safety

Ayes: Barrington, Boggs, Brecheen, David, Shaw

Nays: Ballenger, McAffrey, Shortey

SB 965 – Energy, coauthored by Fields

Ayes: Branan, Fields, Griffin, Ivester, Johnson (Constance), Johnson (Rob), Justice, Marlatt, Simpson, Treat, Wyrick

CS for SB 971 – Energy, coauthored by Jackson (principal House author)

Ayes: Branan, Fields, Griffin, Ivester, Johnson (Constance), Johnson (Rob), Justice, Marlatt, Simpson, Treat, Wyrick

CS for SB 975 – Insurance

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

SB 1024 – Business and Commerce

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

SB 1037 – Business and Commerce, coauthored by Schwartz (principal House author)
Ayes: Coates, Crain, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 1042 – Business and Commerce, coauthored by Schwartz (principal House author)
Ayes: Coates, Crain, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

SB 1049 – Business and Commerce, coauthored by Stiles (principal House author)
Ayes: Coates, Crain, Dahm, Ford, Garrison, Newberry, Sharp, Shumate, Sykes

FAILED:

SB 701 – Insurance
Ayes: Brooks, Brown, Loveless, Sparks
Nays: Aldridge, Allen, Bass, Stanislawski

COMMITTEE REPORT

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

SB 932 – Public Safety, coauthored by Johnson (principal House author)
Ayes: Ballenger, Barrington, Boggs, Brecheen, David, McAffrey, Shaw, Shortey

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 78 - Coauthored by Fields
SB 237 - Coauthored by Ivester
SB 348 - Coauthored by Fields
SB 365 - Coauthored by Bass
SB 486 - Coauthored by Marlatt, Ivester
SB 488 - Coauthored by Ivester
SB 519 - Coauthored by Newberry
SB 551 - Coauthored by McAffrey
SB 641 - Coauthored by Fields
SB 691 - Coauthored by Nelson (principal House author)
SB 817 - Coauthored by Armes (principal House author)
SB 831 - Coauthored by Echols (principal House author)
SB 926 - Coauthored by McNiel (principal House author)
SB 932 - Coauthored by Johnson (principal House author)
SB 965 - Coauthored by Fields
SB 971 - Coauthored by Jackson (principal House author)

SB 1027 - Coauthored by Lockhart (principal House author)

SB 1042 - Coauthored by Schwartz (principal House author)

SB 1049 - Coauthored by Stiles (principal House author)

Pursuant to the Schulz motion, the Senate adjourned at 10:50 a.m. to meet Monday, February 25, 2013, at 1:30 p.m.