

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SB 456 – Withdrawn from Rules and referred to Health and Human Services

SB 924 – Withdrawn from Business and Commerce and referred to General Government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