

# Senate Journal

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

**Seventeenth Legislative Day, Thursday, February 28, 2013**

The Senate was called to order by Senator Marlatt.

Roll Call:

Present: Aldridge, Allen, Anderson, 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, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.—46.

Excused: Coates and Wyrick.—2.

Senator Marlatt 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 12, 25, 30, 33, 105, 169, 207, 263, 282, 283, 292, 315, 355, 402, 440, 450, 454, 455, 535, 536, 668, 678, 738, 754, 770, 780, 891, 900, 927, 961 and 970** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### **INTRODUCTION**

Senator Shaw introduced his wife, Anna, to the Senate.

**GENERAL ORDER**

**SB 88** by Barrington of the Senate and Kouplen of the House was called up for consideration.

Senator Barrington moved that **SB 88** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 88** 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, Anderson, 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, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--43.

Excused: Aldridge, Coates, Mazzei, McAffrey and Wyrick.--5.

The bill and emergency passed.

**SB 88** was referred for engrossment.

**GENERAL ORDER**

**SB 175** by Griffin and Johnson (Constance) of the Senate and Denney of the House was called up for consideration.

Senator Griffin moved to amend **SB 175**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Griffin moved that **SB 175** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 175** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester,

Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Sykes and Treat.--36.

Nay: Ballenger, Barrington, Bass, Burrage and Garrison.--5.

Excused: Coates, Mazzei, McAffrey, Newberry, Shortey, Stanislawski and Wyrick.--7.

The bill passed.

**SB 175** was referred for engrossment.

### **GENERAL ORDER**

**SB 208** by Griffin and Johnson (Constance) of the Senate and Denney of the House was called up for consideration.

Senator Griffin moved that **SB 208** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 208** 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, Anderson, 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, Marlatt, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--43.

Excused: Coates, Mazzei, McAffrey, Newberry and Wyrick.--5.

The bill and emergency passed.

**SB 208** was referred for engrossment.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Johnson (Constance) asked unanimous consent to refer **SCR 8** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 8** by Johnson (Constance) of the Senate and Pittman and Shelton of the House was called up for consideration.

**SCR 8** was adopted upon motion of Senator Johnson (Constance) and referred for engrossment.

**GENERAL ORDER**

**SB 233** by Griffin of the Senate and Watson of the House was called up for consideration.

Senator Griffin moved that **SB 233** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 233** was read for the third time at length.

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

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

Nay: Dahm and Shortey.--2.

Excused: Aldridge, Coates, Johnson (R), Mazzei, McAffrey and Wyrick.--6.

The bill passed.

**SB 233** was referred for engrossment.

**MOTION TO RECONSIDER VOTE**

Senator Justice moved to reconsider the vote whereby **SB 920** failed, which motion was declared adopted upon roll call as follows:

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Loveless, Marlatt,

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

Excused: Aldridge, Coates, Johnson (R), Mazzei, McAffrey and Wyrick.--6.

### **THIRD READING**

Senator Justice moved to reconsider the vote whereby **SB 920** was advanced, which motion was declared adopted.

### **GENERAL ORDER**

**SB 920** by Justice and Shortey of the Senate and Casey of the House was called up for further consideration.

Senator Justice moved to amend **SB 920**, Page 1, by striking the title, which amendment was declared adopted.

Senator Justice moved that **SB 920** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 920** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Johnson (R), McAffrey and Wyrick.--4.

The bill passed.

**SB 920** was referred for engrossment.

### **GENERAL ORDER**

**SB 228** by Simpson and Ivester of the Senate and Hardin of the House was called up for consideration.

Senator Simpson moved that **SB 228** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 228** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Loveless, Marlatt, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--42.

Excused: Coates, Johnson (R), Mazzei, McAffrey and Wyrick.--5.

Not Voting: Newberry.--1

The bill passed.

\*Senator Newberry asked to be shown not voting on **SB 228** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

**SB 228** was referred for engrossment.

**GENERAL ORDER**

**SB 237** by Simpson and Ivester of the Senate and Hardin of the House was called up for consideration.

Senator Simpson moved to amend **SB 237**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Simpson moved to amend the floor substitute to **SB 237**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Simpson moved that **SB 237** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 237** 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, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branam, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill and emergency passed.

**SB 237** was referred for engrossment.

### **GENERAL ORDER**

**SB 629** by Simpson of the Senate and Hardin and Lockhart of the House was called up for consideration.

Senator Simpson moved to amend **SB 629**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Simpson moved to amend the floor substitute to **SB 629**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Simpson moved that **SB 629** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 629** 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, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branam, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill and emergency passed.

**SB 629** was referred for engrossment.

**GENERAL ORDER**

**SB 52** by Paddack of the Senate and Cockroft of the House was called up for consideration.

Senator Paddack moved that **SB 52** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 52** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--43.

Excused: Coates, Mazzei, McAffrey, Newberry and Wyrick.--5.

The bill passed.

**SB 52** was referred for engrossment.

**GENERAL ORDER**

**SB 87** by Paddack of the Senate and McDaniel (Randy) of the House was called up for consideration.

Senator Paddack moved that **SB 87** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 87** 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, Anderson, 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, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.



The bill and emergency passed.

**SB 87** was referred for engrossment.

### **GENERAL ORDER**

**SB 398** by Paddack and Shortey of the Senate and Thomsen of the House was called up for consideration.

Senator Paddack moved that **SB 398** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 398** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski and Sykes.--41.

Nay: Allen, Newberry and Treat.--3.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill passed.

**SB 398** was referred for engrossment.

### **GENERAL ORDER**

**SB 1031** by Sykes et al of the Senate and Stiles of the House was called up for consideration.

Senator Sykes moved that **SB 1031** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1031** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Sparks, Standridge, Stanislawski, Sykes and Treat.--43.

Excused: Coates, Mazzei, McAffrey, Simpson and Wyrick.--5.

The bill passed.

**SB 1031** was referred for engrossment.

### **GENERAL ORDER**

**SB 1027** by Sykes and Brecheen of the Senate and Lockhart of the House was called up for consideration.

Senator Sykes moved that **SB 1027** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1027** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill passed.

**SB 1027** was referred for engrossment.

### **GENERAL ORDER**

**SB 1024** by Sykes of the Senate and Biggs of the House was called up for consideration.

Senator Sykes moved that **SB 1024** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1024** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill passed.

**SB 1024** was referred for engrossment.

**GENERAL ORDER**

**SB 369** by Ivester of the Senate and Sherrer of the House was called up for consideration.

Senator Ivester moved that **SB 369** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 369** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill passed.

**SB 369** was referred for engrossment.

**GENERAL ORDER**

**SB 581** by Ivester of the Senate and Sherrer of the House was called up for consideration.

Senator Ivester moved that **SB 581** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 581** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill passed.

**SB 581** was referred for engrossment.

**GENERAL ORDER**

**SB 755** by Ivester of the Senate and Sherrer of the House was called up for consideration.

Senator Ivester moved to amend **SB 755**, Page 12, Lines 14 through 16, by deleting all new language and adding new Paragraph 5 to read as follows:

“5. A person holding the powers vested in a guardianship of the person, a grant of general health care decision-making authority or designation of health care proxy contained in an advance directive for health care, or a durable power of attorney with health care decision-making authority shall be the treatment advocate for the patient by operation of law.”, which amendment was declared adopted.

Senator Ivester moved that **SB 755** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 755** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill passed.

**SB 755** was referred for engrossment.

**GENERAL ORDER**

**SB 231** by Jolley of the Senate and Martin (Scott) of the House was called up for consideration.

Senator Jolley moved that **SB 231** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 231** was read for the third time 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill passed.

**SB 231** was referred for engrossment.

**GENERAL ORDER**

**SB 396** by Jolley of the Senate and Osborn of the House was called up for consideration.

Senator Jolley moved that **SB 396** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 396** 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, Anderson, 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, Marlatt, Mazzei, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--45.

Excused: Coates, McAffrey and Wyrick.--3.

The bill and emergency passed.

**SB 396** was referred for engrossment.

**GENERAL ORDER**

**SB 425** by Jolley of the Senate and Denney of the House was called up for consideration.

Senator Sykes moved to amend **SB 425**, Page 1, Line 19, by inserting after the word “years” and before the word “and” a comma and the words “who is a United States citizen”, which amendment was declared adopted.

Senator Jolley moved that **SB 425** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 425** 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, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice,

Loveless, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--43.

Nay: Fields.--1.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill and emergency passed.

**SB 425** was referred for engrossment.

### **GENERAL ORDER**

**SB 429** by Jolley of the Senate and Murphey of the House was called up for consideration.

Senator Jolley moved that **SB 429** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 429** 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, Anderson, 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, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill and emergency passed.

**SB 429** was referred for engrossment.

### **GENERAL ORDER**

**SB 574** by Jolley of the Senate and Nelson of the House was called up for consideration.

Senator Jolley moved that **SB 574** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 574** 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, Anderson, 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, Marlatt, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

The bill and emergency passed.

**SB 574** was referred for engrossment.

**GENERAL ORDER**

**SB 635** by Jolley of the Senate and Nelson of the House was called up for consideration.

Senator Burrage moved to amend **SB 635**, Page 9, Line 16 1/2, by inserting a new SECTION 2 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.546 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Department of Education shall suspend the Oklahoma School Testing Program and shall not issue annual reports pursuant to Section 1210.545 of Title 70 of the Oklahoma Statutes until the Department demonstrates compliance with Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), and Section 3-151.1 of Title 70 of the Oklahoma Statutes.”, and by renumbering subsequent sections.

Senator Jolley moved to table the Burrage amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Barrington, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Schulz, Sharp, Shaw, Shortey, Simpson, Standridge, Stanislawski, Sykes and Treat.--34.



Nay: Ballenger, Bass, Burrage, Ellis, Garrison, Ivester, Johnson (C), Paddack, Shumate and Sparks.--10.

Excused: Coates, Mazzei, McAffrey and Wyrick.--4.

Senator Jolley moved that **SB 635** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 635** 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, Anderson, Barrington, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Schulz, Sharp, Shaw, Shortey, Simpson, Standridge, Stanislawski, Sykes and Treat.--35.

Nay: Ballenger, Bass, Burrage, Ellis, Garrison, Ivester, Johnson (C), Paddack, Shumate and Sparks.--10.

Excused: Coates, McAffrey and Wyrick.--3.

The bill and emergency passed.

**SB 635** was referred for engrossment.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1002, 1039, 1297, 1341, 1355, 1449, 1461, 1464, 1481, 1482, 1511, 1594, 1624, 2003** and **2188**.

**HB 1002** – By Murphey, Biggs and Cleveland of the House and Holt of the Senate.

An Act relating to state government; creating the Cost Reduction and Savings Act of 2013; amending 62 O.S. 2011, Section 34.36, as amended by Section 368, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section 34.36), which relates to the Oklahoma State Finance Act; modifying the publishing of financial services cost-performance assessment; authorizing Office of Management and Enterprise Services to evaluate the agencies with the lowest rankings; prohibiting discontinuation of shared services for certain agencies; amending 74 O.S. 2011, Section 840-2.10, as amended by Section 873, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2012, Section 840-2.10), which relates to the State Employee Assistance Program; authorizing Office of Management and Enterprise Services to enter into certain contracts; amending 74 O.S. 2011, Sections 840-3.4 and 840-3.5, as amended by Sections 894 and 895, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2012, Sections 840-3.4 and 840-3.5), which relate to the Carl Albert Public Internship Program; modifying

internship program; including certain degrees and certifications; modifying eligibility requirements; providing that certain employees count against limitation of full-time-equivalent positions; providing for codification; providing for noncodification; and providing an effective date.

**HB 1039** – By Casey, Sherrer, Roberts (Dustin) and Hoskin of the House and Fields of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 1364.2, which relates to special event permits; modifying definition; providing an effective date; and declaring an emergency.

**HB 1297** – By Sherrer and Hoskin of the House and Ivester of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1123, as amended by Section 5, Chapter 226, O.S.L. 2010, which relates to lewd or indecent proposals or acts; modifying penalty; repealing 21 O.S. 2011, Section 1123, as amended by Section 6, Chapter 455, O.S.L. 2002, which is a duplicate section of law; and providing an effective date.

**HB 1341** – By Mulready, Condit and Dorman of the House and Johnson (Rob) of the Senate.

An Act relating to intoxicating liquors; amending 37 O.S. 2011, Section 521, as amended by Section 4, Chapter 120, O.S.L. 2012 (37 O.S. Supp. 2012, Section 521), which relates to licenses; allowing holders of brewer licenses to provide samples; limiting total amount of samples; requiring restricted sampling area; limited sampling hours; providing certain application; and providing an effective date.

**HB 1355** – By Cooksey of the House and Paddock of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 858-302, 858-303 and 858-304, which relate to the Oklahoma Real Estate License Code; modifying eligibility for certain licenses; making certain education requirements valid for certain time; requiring additional education for certain applicants; and providing an effective date.

**HB 1449** – By Murphey of the House and Anderson of the Senate.

An Act relating to electronic court records; amending 22 O.S. 2011, Section 1115.1A, which relates to traffic violation pleas; providing for defendant released upon personal recognizance to enter plea using an electronic method; permitting court clerk to furnish proof of case disposition via e-mail in certain cases; amending 29 O.S. 2011, Section 9-112, which relates to wildlife violation pleas; providing for certain defendant to enter plea using an electronic method; amending 38 O.S. 2011, Section 20.1, which relates to jury panel oath; modifying juror oath; providing for juror oath to be taken using an electronic method; authorizing court clerk to maintain juror oath in electronic format; and providing an effective date.

**HB 1461** – By Ownbey and Ritze of the House and Jolley of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 567.4, 567.5a, 567.8 and 567.18, which relate to the Oklahoma Board of Nursing; requiring Board to fix compensation of Executive Director within certain pay grade; permitting Board to issue prescriptive authority recognition by endorsement to certain individuals if certain requirements are met; permitting criminal background checks to be initiated by Board or designated vendor; and providing an effective date.

**HB 1464** – By Murphey of the House and Brecheen of the Senate.

An Act relating to state government; creating the Innovation, Efficiency and Reform Act of 2013; amending 74 O.S. 2011, Sections 85.7 and 85.33, as amended by Sections 738 and 752, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2012, Sections 85.7 and 85.33), which relate to The Oklahoma Central Purchasing Act; authorizing State Purchasing Director to exempt procurement of certain pre-owned items; defining term; requiring acquisitions be publically posted; providing for description of acquisition; prohibiting Director from certain action prior to publication; authorizing Office of Management and Enterprise Services to collect certain fee; amending 74 O.S. 2011, Section 500.9, as amended by Section 855, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2012, Section 500.9), which relates to the State Travel Reimbursement Act; allowing Director of the Office of Management and Enterprise Services to authorize certain reimbursement for overnight lodging; requiring certification of certain efforts to obtain lodging; providing for noncodification; and providing an effective date.

**HB 1481** – By Murphey and Walker of the House and Dahm of the Senate.

An Act relating to public finance; repealing 62 O.S. 2011, Section 88.3, which relates to the Oklahoma Linked Deposit Review Board; and providing an effective date.

**HB 1482** – By Murphey of the House and Dahm of the Senate.

An Act relating to waters and water rights; repealing 82 O.S. 2011, Section 110.30, which relates to the formation and duties of a high-hazard dams study group; providing an effective date; and declaring an emergency.

**HB 1511** – By Peterson, Ownbey, Sherrer and Kern of the House and Simpson of the Senate.

An Act relating to public libraries; amending 65 O.S. 2011, Section 1-105, which relates to disclosure of records; prohibiting disclosure of certain information; providing exceptions; defining term; requiring certain requests be reported to law enforcement; and declaring an emergency.

**HB 1594** – By Vaughan of the House and Brecheen of the Senate.

An Act relating to officers; amending 51 O.S. 2011, Section 24A.23, which relates to the Oklahoma Open Records Act; providing exemption for certain information; and providing an effective date.

**HB 1624** – By Ortega of the House and Fields of the Senate.

An Act relating to insurance; requiring lenders to provide certain notification to insured when lender receives certain insurance proceeds; requiring lenders to release proceeds or provide certain notification when certain conditions are met; providing penalty; requiring lienholder to endorse or approve payment for insurance claim or provide certain notification when certain conditions are met; providing penalty; providing for codification; and providing an effective date.

**HB 2003** – By McNiel of the House and Anderson of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2011, Section 22-105.1, which relates to displacing a private company providing solid waste collection service; deleting references to collections; changing certain references to services; changing certain definition; and providing an effective date.

**HB 2188** – By Schwartz of the House and David of the Senate.

An Act relating to torts; amending 76 O.S. 2011, Section 19, which relates to access to medical records; setting uniform per-page cost of records; mandating fee for certain parties requesting records; requiring same costs for digital records as paper records under certain conditions; prohibiting postage charge if records delivered electronically; establishing maximum cost for reproducing certain records; proscribing certain fee if person is requesting their own records; and providing an effective date.

The above-numbered measures were read the first time.

## **EXECUTIVE NOMINATIONS**

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

Ballard, Billy G., Stratford, as a member of the Oklahoma Liquefied Petroleum Gas Board - Energy

Parman, Larry V., Oklahoma City, as a member of the Governor's Cabinet, Secretary of State - General Government

Parman, Larry V., Oklahoma City, as the Secretary of State - General Government

Reed, Deanna J., Poteau, as a member of the Board of Regents for Carl Albert State College - Education

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 4, 2013 at 1:30 p.m., which motion prevailed.

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 173** - Coauthored by Dahm

**SB 451** - Coauthored by David

**SB 1031** - Coauthored by Sparks, Paddack

**SB 1062** - Coauthored by Brecheen, Standridge, Marlatt

**SCR 8** - Coauthored by all other Senators

Pursuant to the Schulz motion, the Senate adjourned at 11:45 a.m. to meet Monday, March 4, 2013 at 1:30 p.m.