

Senate Journal

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

Thirty-ninth Legislative Day, Wednesday, April 10, 2013

The Senate was called to order by Senator Griffin.

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, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.—46.

Excused: Mazzei and Shortey—42.

Senator Griffin declared a quorum present.

The prayer was offered by Reverend Kevin Akins, First Assembly of God, Elk City, the guest of Senator Ivester.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1683, 1684, 1686, 1688, 1690, 1691, 1694, 1695, 1696, 1698, 1700, 1702, 1703 and **2078** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 838 and **1080** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 17 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

CHANGE IN COMMITTEE ASSIGNMENT

HB 1467 – Withdrawn from Appropriations and referred direct to the Calendar.

INTRODUCTION

Senator David introduced her daughter, Lieutenant Jamie David Underwood, to the Senate.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Stanislawski asked unanimous consent to refer **SR 19** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 19 by Stanislawski was called up for consideration.

SR 19 was adopted upon motion of Senator Stanislawski and referred for enrollment.

Senator Stanislawski presiding.

FIRST READING

The following was introduced and read the first time:

SR 20 – By David.

A Resolution congratulating the Fort Gibson High School girls swim team, State 5A Girls Swimming Champions; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator David asked unanimous consent to refer **SR 20** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 20 by David was called up for consideration.

SR 20 was adopted upon motion of Senator David and referred for enrollment.

GENERAL ORDER

HB 1614 by Cannaday of the House and Boggs of the Senate was called up for consideration.

Senator Boggs moved to amend **HB 1614**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restored **HB 1614** to the engrossed version of the bill.

Senator Boggs moved that **HB 1614** be advanced, which motion was declared adopted.

THIRD READING

HB 1614 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, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Coates, Mazzei, Shortey and Shumate.--4.

The bill passed.

HB 1614 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1347 by Kirby et al of the House and David and Loveless of the Senate was called up for consideration.

Senator David moved to amend **HB 1347**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restored **HB 1347** to the engrossed version of the bill.

Senator David moved that **HB 1347** be advanced, which motion was declared adopted.

THIRD READING

HB 1347 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), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Coates, Johnson (R), Mazzei and Shortey.--4.

The bill and emergency passed.

HB 1347 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2045 by Henke and Kern of the House and Brinkley and Shortey of the Senate was called up for consideration.

Senator Brinkley moved that **HB 2045** be advanced, which motion was declared adopted.

THIRD READING

HB 2045 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, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Treat and Wyrick.--43.

Excused: Coates, Johnson (R), Mazzei, Shortey and Sykes.--5.

The bill passed.

HB 2045 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1767 by Russ of the House and Newberry of the Senate was called up for consideration.

Senator Newberry moved that **HB 1767** be advanced, which motion was declared adopted.

THIRD READING

HB 1767 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, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Treat and Wyrick.--43.

Excused: Coates, Johnson (R), Mazzei, Shortey and Sykes.--5.

The bill passed.

HB 1767 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1874 by McCall of the House and Simpson of the Senate was called up for consideration.

Senator Simpson moved that **HB 1874** be advanced, which motion was declared adopted.

THIRD READING

HB 1874 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, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Treat and Wyrick.--43.

Excused: Coates, Johnson (R), Mazzei, Shortey and Sykes.--5.

The bill passed.

HB 1874 was referred for engrossment.

GENERAL ORDER

HB 1080 by Sanders et al of the House and Marlatt et al of the Senate was called up for consideration.

Senator Marlatt moved that **HB 1080** be advanced, which motion was declared adopted.

THIRD READING

HB 1080 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), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Coates, Johnson (R), Mazzei and Shortey.--4.

The bill and emergency passed.

HB 1080 was referred for engrossment.

GENERAL ORDER

HB 1245 by Martin (Steve) of the House and Marlatt of the Senate was called up for consideration.

Senator Marlatt moved to amend **HB 1245**, 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 Marlatt moved that **HB 1245** be advanced, which motion was declared adopted.

THIRD READING

HB 1245 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, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Bingman, Coates, Johnson (R), Mazzei and Shortey.--5.

The bill passed.

HB 1245 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1101** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

MESSAGE FROM THE HOUSE HAs TO SENATE BILLS

Advising passage of and returning the following engrossed bills as amended:

SB 156 - coauthored by Johnson (Constance) of the Senate

SB 226 - coauthored by Nelson and McDaniel (Jeannie)

SB 228 - coauthored by Fields of the Senate and Pittman, Hoskin and Sherrer of the House

SB 436 - (Emergency Failed) coauthored by Nelson

House amendments were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 478

SB 592

SB 738

SB 924

SJR 8 - coauthored by Ritze, Derby, Kern and Roberts (Sean)

The above-numbered measures were referred for enrollment.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1094, 1108, 1685, 1699, 1757, 1881 and 1985**.

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

Advising fourth reading of and returning Enrolled **SBs 838 and 1080**.

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

EXECUTIVE NOMINATIONS

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

Grim, Charles W., Hulbert, as a member of the State Board of Health - Health and Human Services

Haynes, Michael T., Tulsa, as a member of the Physician Manpower Training Commission - Health and Human Services

Hilterbran, Sherian C., Nicoma Park, as a member of the Oklahoma Liquefied Petroleum Gas Board - Energy

Lodes, Laura M. Worthen, Edmond, as a member of the Air Quality Advisory Council - Energy

Magdeburg, Paul E., Cushing, as a member of the Construction Industries Board - Business and Commerce

Mindeman, Charlotte L., Tulsa, as a member of the Oklahoma Student Loan Authority - Education

Pollard, Elizabeth J., Idabel, as a member of the Board of Trustees for the McCurtain County Higher Education Program - Education

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 11, 2013, at 9:30 a.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS, As Amended:

CS for HB 1107 – Appropriations

Ayes: Branan, Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Marlatt, Paddack, Standridge, Stanislawski, Sykes, Treat, Wyrick

CS for HB 1477 – Appropriations

Ayes: Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick

CS for HB 1660 – Appropriations

Ayes: Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick

CS for HB 1719 – Appropriations

Ayes: Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick

CS for HB 1740 – Appropriations

Ayes: Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick

HB 1742 – Appropriations

Ayes: Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Paddack, Standridge, Stanislawski, Sykes, Treat, Wyrick

HB 1743 – Appropriations

Ayes: Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Jolley, Justice, Newberry, Paddack, Standridge, Stanislawski, Sykes, Treat, Wyrick
Nays: Johnson (Constance)

HB 1770 – Appropriations

Ayes: Branan, Brinkley, Crain, David, Ellis, Fields, Ford, Halligan, Holt, Ivester, Johnson (Rob), Jolley, Justice, Stanislawski, Sykes, Treat

HB 1883 – Appropriations

Ayes: Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Paddack, Standridge, Stanislawski, Sykes, Treat, Wyrick

CS for HB 1908 – Appropriations

Ayes: Brinkley, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Jolley, Justice, Newberry, Standridge, Stanislawski, Sykes, Treat
Nays: Ellis, Ivester, Johnson (Constance), Paddack, Wyrick

HB 1909 – Appropriations

Ayes: Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Jolley, Justice, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick
Nays: Johnson (Constance)

CS for HB 1910 – Appropriations, coauthored by Johnson (Rob)

Ayes: Branan, Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Rob), Jolley, Justice, Marlatt, Newberry, Paddack, Standridge, Stanislawski, Sykes, Treat, Wyrick
Nays: Johnson (Constance)

CS for HB 1914 – Appropriations

Ayes: Branan, Brinkley, Crain, David, Fields, Ford, Griffin, Holt, Ivester, Johnson (Rob), Jolley, Justice, Marlatt, Paddack, Standridge, Stanislawski, Wyrick
Nays: Ellis, Halligan, Johnson (Constance), Sykes, Treat

HB 1942 – Appropriations

Ayes: Brinkley, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Paddack, Stanislawski, Sykes, Wyrick
Nays: Crain, Standridge, Treat

CS for HB 1990 – Appropriations

Ayes: Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Standridge, Stanislawski, Sykes, Treat

CS for HB 2048 – Appropriations

Ayes: Brinkley, Crain, David, Ford, Griffin, Halligan, Holt, Ivester, Jolley, Justice, Newberry, Standridge, Stanislawski, Sykes, Treat, Wyrick
Nays: Fields, Johnson (Constance)

HB 2052 – Appropriations

Ayes: Brinkley, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Paddack, Standridge, Stanislawski, Sykes, Treat, Wyrick

CS for HB 2062 – Appropriations

Ayes: Brinkley, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Ivester, Jolley, Justice, Newberry, Paddack, Standridge, Stanislawski, Sykes, Treat, Wyrick
Nays: Johnson (Constance)

CS for HB 2077 – Appropriations

Ayes: Brinkley, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Paddack, Standridge, Stanislawski, Sykes, Treat, Wyrick

CS for HB 2099 – Appropriations

Ayes: Brinkley, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Newberry, Paddack, Standridge, Stanislawski, Sykes, Treat, Wyrick

HB 2160 – Appropriations

Ayes: Brinkley, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Jolley, Justice, Standridge, Stanislawski, Sykes, Treat, Wyrick

HB 2180 – Appropriations

Ayes: Branan, Brinkley, Crain, David, Ellis, Griffin, Halligan, Holt, Johnson (Constance), Paddack, Schulz, Standridge, Stanislawski, Sykes
Nays: Fields, Ford, Ivester, Johnson (Rob), Jolley, Justice, Treat

HB 2193 – Appropriations

Ayes: Branan, Brinkley, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Marlatt, Paddack, Schulz, Standridge, Stanislawski, Treat
Nays: Sykes

CS for HB 2228 – Appropriations

Ayes: Branan, Brinkley, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (Constance), Jolley, Justice, Marlatt, Paddack, Standridge, Sykes, Treat

Nays: Crain, David, Ivester, Newberry, Stanislawski, Wyrick

FIRST READING

The following was introduced and read the first time:

SCR 20 – By Bingman.

A Concurrent Resolution encouraging appropriate maintenance and enhancement to ensure the continued viability and reliability of the McClellan-Kerr Arkansas River Navigation System; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 164 - Coauthored by Shelton

SB 633 - Coauthored by Russ

SCR 20 - Authored by Senator Bingman

SR 19 - Coauthored by all other Senators

SR 20 - Coauthored by all other Senators; Authored by Senator David

HB 1347 - Coauthored by Loveless

HB 1759 - Coauthored by Hulbert, Wright

HB 1910 - Coauthored by Johnson (Rob)

HB 2079 - Coauthored by Fields

HCR 1009 - Coauthored by Newell, Brumbaugh, Walker, McCall

MESSAGE FROM THE GOVERNOR

Advising her approval April 10, 2013, of Enrolled **SBs 91, 440, 619, 716, 988, and 1042.**

Pursuant to the Schulz motion, the Senate adjourned at 2:45 p.m. to meet Thursday, April 11, 2013, at 9:30 a.m.

JOURNAL CORRECTIONS

Page 867, 10th Line from bottom delete “**SB 817**” and on 9th Line from bottom of page insert the following:

“Advising her veto April 8, 2013, of Enrolled **SB 817**.

The veto message reads as follows:

April 8, 2013

To the Honorable President Pro Tempore
and Members of the Oklahoma Senate
First Session of the
Fifty-fourth Legislature
Enrolled Senate Bill No. 817

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 817.

Senate Bill 817 increases the handling charges consumers must pay when using ‘B’ loans. ‘B’ loans are loans with smaller principal amounts of \$1,410 or less. Currently, there are six principal loan amounts that can be obtained from ‘B’ lenders. This bill increases the handling charges associated with each of the loan categories.

‘B’ loans are usually high interest, unsecured, short-term loans acquired with a personal check and are advertised as loans used only in emergency situations. With 13% of Oklahomans using these types of loans, Oklahoma has one of the highest usage rates in the country. Data reveals that this type of lending has resulted in widespread, chronic borrowing where the average Oklahoma customer borrows often, rapidly and at a high cost. Data also indicates that these loans are used for regular spending and to band-aid chronic financial problems, not for occasional emergencies. Overuse of this type of loan often creates more dire fiscal situations because the annual percentage rates range from 50-130%.

This legislation may inadvertently expand predatory lending practices, which take advantage of financially vulnerable Oklahomans.

Senate Bill 817 does not constitute good public policy and does not further the well-being of the citizens of Oklahoma.

By the Governor of the State of Oklahoma
/s/ Mary Fallin”

Page 859, delete lines 17 through 19 and insert the following:

“**HBS 1060** and **1383** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.”