

Senate Journal

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

Forty-ninth Legislative Day, Tuesday, April 30, 2013

The Senate was called to order by Senator Brinkley.

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 Brinkley declared a quorum present.

The prayer was offered by Dr. Brian Haynes, College Heights Baptist Church, Chickasha, the guest of Senator Justice.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 26 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 49, 101, 277, 419, 587, 633, 659 and **1111** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

INTRODUCTION

Senator Newberry introduced his brother-in-law, Senior Airman Ty Patterson, to the Senate.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Griffin asked unanimous consent to refer **SR 26** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 26 by Senator Griffin was called up for consideration.

SR 26 was adopted upon motion of Senator Griffin and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1062** were concurred in upon motion of Senator Sykes.

SB 1062, as amended by the Honorable House, was read at length.

On the question of passage of the bill, 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, Coates, Ellis, Garrison, Johnson (C), McAffrey, Paddack, Shumate, Sparks and Wyrick.--12.

Excused: Ivester.--1.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1** were concurred in upon motion of Senator Branan.

SB 1, as amended by the Honorable House, was read 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, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--46.

Excused: Ivester and Mazzei.--2.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 596 were concurred in upon motion of Senator Holt.

SB 596, as amended by the Honorable House, was read 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, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Brown, Ivester, Marlatt, Mazzei and Shumate.--5.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 887 were concurred in upon motion of Senator Holt.

SB 887, as amended by the Honorable House, was read 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, Coates, Crain, Dahm, David, Ellis,

Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Ivester, Johnson (C), Marlatt, Mazzei and Shumate.--5.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 396 were concurred in upon motion of Senator Jolley.

SB 396, as amended by the Honorable House, was read 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, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Ivester, Johnson (C), Mazzei and Shumate.--4.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 404 were concurred in upon motion of Senator Jolley.

SB 404, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Allen, Anderson, Barrington, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, 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: Ballenger, Bass, Ivester and Mazzei.--4.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAs

HAs to SB 495 were concurred in upon motion of Senator Jolley.

SB 495, as amended by the Honorable House, was read 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, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Ballenger, Bass, Ivester, Marlatt and Mazzei.--5.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAs

HAs to SB 630 were concurred in upon motion of Senator Jolley.

SB 630, as amended by the Honorable House, was read 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, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Ballenger, Bass, Ivester, Marlatt and Mazzei.--5.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 847 were concurred in upon motion of Senator Jolley.

SB 847, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Allen, Anderson, Barrington, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Ballenger, Bass, Ivester, Marlatt and Mazzei.--5.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 1000 were concurred in upon motion of Senator Jolley.

SB 1000, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Allen, Anderson, Barrington, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Ballenger, Bass, Ivester, Marlatt and Mazzei.--5.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

EXECUTIVE NOMINATIONS

The following executive nominations have been approved by the committees named:

Boring, James M., Guymon, to the Oklahoma State Bureau of Investigation Commission, to serve a seven year term ending July 1, 2020, succeeding Mike Fields. (Public Safety Committee) Motion to confirm made by Senator Greg Treat on behalf of Senator Bryce Marlatt.

Carson, Allyson L., El Reno, to the Crime Victims Compensation Board, to serve a four year term ending September 30, 2017, succeeding Ken Boatman. (Public Safety Committee) Motion to confirm made by Senator Ron Justice.

Clabes, R. Brandon, Choctaw, to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission, to serve an unexpired term ending December 17, 2017, succeeding Phil Cotten. (Public Safety Committee) Motion to confirm made by Senator Ron Sharp.

Gray, Albert, Yukon, to the Oklahoma State Board of Narcotics and Dangerous Drugs Control, to serve a seven year term ending December 31, 2019, succeeding Pedro Cordova. (Public Safety Committee) Motion to confirm made by Senator Rob Johnson.

LaFortune, Kathryn A., Tulsa, to the Oklahoma Indigent Defense System Board, to serve a five year term ending July 1, 2016, succeeding Jimmy Lance Hopkins. (Public Safety Committee) Motion to confirm made by Senator Gary Stanislawski.

McCaffree, Mary A., Oklahoma City, to the Board of Mental Health and Substance Abuse Services, to serve a seven year term ending December 31, 2020, succeeding herself. (Health and Human Services Committee) Motion to confirm made by Senator Cliff Branam.

McGrath, Dennis J., Stillwater, to the Polygraph Examiners Board, to serve a six year term ending May 17, 2019, succeeding himself. (Public Safety Committee) Motion to confirm made by Senator Jim Halligan.

Moore, Patrick E., Okmulgee, to the Oklahoma Indigent Defense System Board, to serve a five year term ending July 1, 2018, succeeding Rod Wiemer. (Public Safety Committee) Motion to confirm made by Senator Sean Burrage on behalf of Senator Roger Ballenger.

Pope, Donnie G., Norman, to the Oklahoma Indigent Defense System Board, to serve a five year term ending July 1, 2017, succeeding himself. (Public Safety Committee) Motion to confirm made by Senator Rob Standridge.

Wilson, Justin B., Norman, to the Board of Pharmacy, to serve a five year term ending June 30, 2018, succeeding Gordon S. Richards, Jr.. (Health and Human Services Committee) Motion to confirm made by Senator Rob Standridge.

Motions to confirm the above-named executive nominations were declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Barrington, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--41.

Excused: Ballenger, Bass, Holt, Ivester, Marlatt, Mazzei and McAffrey.--7.

SCs NAMED

Upon motion of Senator Schulz, Senate conferees were appointed as follows:

SB 71 – GCCA

SB 156 – Halligan, Ford, Stanislawski, Fields, Paddack, Garrison

SB 249 – Bingman, Schulz, Sykes, Treat, Ballenger, Bass

SB 365 – GCCA

SB 436 – GCCA

SB 550 –Holt, Newberry, Ford, Johnson (Rob), Shumate, Paddack

SB 640 – Crain, Bingman, Schulz, Marlatt, Burrage, Sparks

SB 641 – Schulz, Branan, Justice, Barrington, Bass, Burrage

SB 688 – GCCA

SB 899 – Bingman, Schulz, Griffin, Johnson (Rob), Burrage, Paddack

SB 954 – GCCA

SB 965– Marlatt, Branan, Schulz, Bingman, Sparks, Burrage

SB 700 – Stanislawski, Brown, Brooks, Brecheen, Sparks, Ballenger

SB 1016 – Crain, Sykes, Johnson (Rob), Brinkley, Paddack, Sparks

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 1062 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAS

HAs to SBs 287, 408, 486, 521, 557, 574, 792 and 1012 were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 49, 101, 277, 419, 587, 633, 659 and 1111**.

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

Advising passage of and returning the following Engrossed bill:

SCR 24 - coauthored by all other Representatives

The above-numbered measure was referred for enrollment.

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later as follows:

HB 1068
HB 1080
HB 1103
HB 1104
HB 1115
HB 1340
HB 1426
HB 1434
HB 1558
HB 1770
HB 1922
HB 1932
HB 1933
HB 2054
HB 2097
HB 2101
HB 2145
HB 2228
HB 2231

Advising fourth reading of and returning Enrolled **SB 1062**.

The above-numbered enrolled measure was referred to the Governor.

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

FIRST READING

The following was introduced and read the first time:

SCR 28 – By Crain of the Senate and Echols of the House.

A Concurrent Resolution recognizing October 20-26, 2013 as Male Breast Cancer Awareness Week in Oklahoma; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 432 - Coauthored by Cannaday

SB 682 - Coauthored by Simpson

SB 847 - Coauthored by Schulz, Newberry; Coauthored by Mazzei

SCR 28 - Coauthored by Echols (principal House author; Authored by Senator Crain

SR 26 - Coauthored by all other Senators

MESSAGE FROM THE GOVERNOR

Advising her approval April 29, 2013, of Enrolled **SBs 88, 237, 280, 302, 461, 501, 621, 848, 889, 925, 928, 1009, 1031, 1090** and **SJR 4**.

Pursuant to the Senator Schulz motion, the Senate adjourned at 11:55 a.m. to meet Wednesday, May 1, 2013, at 1:30 p.m.