

Senate Journal

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

Fifty-fifth Legislative Day, Thursday, May 9, 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, 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.—47.

Excused: Coates.—1.

Senator Brinkley declared a quorum present.

The prayer was offered by Dr. Elaine A. Robinson, St. Paul School of Theology, Oklahoma City, the guest of Senator Johnson (Constance).

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 233, 294 and **422** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Paddack asked unanimous consent to refer **SCR 30** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 30 by Paddack of the Senate and Thomsen of the House was called up for consideration.

SCR 30 was adopted upon motion of Senator Paddack and referred for engrossment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Crain asked unanimous consent to refer **SCR 28** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 28 by Crain et al of the Senate and Echols of the House was called up for consideration.

SCR 28 was adopted upon motion of Senator Crain and referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 285** were concurred in upon motion of Senator David.

SB 285, 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

Excused: Coates, Mazzei, Paddack and Wyrick.--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 917 were concurred in upon motion of Senator David.

SB 917, 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--45.

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

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 692 were concurred in upon motion of Senator Marlatt.

SB 692, 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, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--42.

Nay: Brecheen.--1.

Excused: Coates, Holt, Mazzei, Paddack and Wyrick.--5.

The bill and emergency 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:

Haws, Susan C., Glenpool, to the Oklahoma State Board of Examiners for Long-Term Care Administrators, to serve a three year term ending October 31, 2016, succeeding herself. (Health and Human Services Committee) Motion to confirm made by Senator Brian Bingman.

King, L. Jeanette, Oklahoma City, to the Organ Donor Education and Awareness Program Advisory Council, to serve a four year term ending November 1, 2016, succeeding Russal B. Brawley. (Health and Human Services Committee) Motion to confirm made by Senator Greg Treat.

Lewis, Diane M., Norman, to the Organ Donor Education and Awareness Program Advisory Council, to serve a four year term ending November 1, 2016, succeeding Joel DeFehr. (Health and Human Services Committee) Motion to confirm made by Senator John Sparks.

Orlowski, Jeffrey P., Oklahoma City, to the Organ Donor Education and Awareness Program Advisory Council, to serve a four year term ending November 1, 2015, succeeding Diane M. Lewis. (Health and Human Services Committee) Motion to confirm made by Senator Greg Treat.

Pulido, Edward J., Edmond, to the Board of Mental Health and Substance Abuse Services, to serve a seven year term ending December 31, 2019, succeeding Bob McDonald. (Health and Human Services Committee) Motion to confirm made by Senator Greg Treat.

Roe, Donald R., Shawnee, to the Organ Donor Education and Awareness Program Advisory Council, to serve an unexpired term ending November 1, 2015, succeeding David Jones. (Health and Human Services Committee) Motion to confirm made by Senator Ron Sharp.

Witherington, Holli R., Ada, to the Oklahoma Board of Licensed Alcohol and Drug Counselors, to serve a five year term ending July 1, 2018, succeeding herself. (Health and Human Services Committee) Motion to confirm made by Senator Roger Ballenger on behalf of Senator Susan Paddack.

Motions to confirm the above-named executive nominations were declared adopted upon roll call 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, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--44.

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

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Schulz, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

HB 1886 – Sparks, Newberry, Allen, Fields, Brecheen, Shumate

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1107, 1242, 1512 and 2048**.

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 233, 294 and 422**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1364, 1684, 1686, 1687, 1762, 1830, 1984, 1990 and 2015**.

Advising rejection of **SAs** to the following bill, requesting conference and naming House conferees as follows:

HB 1695 - Conference Committee on Administrative Rules, Government Oversight and Repealer

Advising naming House conferees on Engrossed

HB 1419 - Conference Committee on Public Health

HB 2187 - Conference Committee on Transportation

HB 2231 - Conference Committee on Government Modernization

HB 2264 - Conference Committee on Energy and Aerospace

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

- SB 164** - Conference Committee on Transportation
- SB 519** - Conference Committee on Judiciary
- SB 559** - Conference Committee on Common Education
- SB 582** - Conference Committee on Judiciary
- SB 641** - Conference Committee on Agriculture and Wildlife
- SB 788** - Conference Committee on Economic Development and Financial Services
- SB 789** - Conference Committee on Economic Development and Financial Services
- SB 900** - Conference Committee on Long-term Care and Senior Services
- SB 1013** - Conference Committee on Judiciary
- SB 1022** - Conference Committee on Economic Development and Financial Services
- SB 1053** - Conference Committee on Economic Development and Financial Services
- SB 1102** - Conference Committee on Economic Development and Financial Services
- SB 1103** - Conference Committee on Economic Development and Financial Services
- SB 1118** - Conference Committee on Economic Development and Financial Services

Advising passage of and transmitting for consideration Engrossed **HB 2301** and **HJR**s **1063, 1064** and **1065**.

HB 2301 – By Martin (Scott), Newell and McCullough of the House and Jolley and Justice of the Senate.

An Act relating to general appropriations for the expenses of various agencies of the executive, legislative and judicial departments of the state; making appropriations to the State Board of Education, the Oklahoma Arts Council, the Commissioners of the Land Office, the Board of Trustees of the Oklahoma School of Science and Mathematics, the Office of Educational Quality and Accountability, the Oklahoma Commission for Teacher Preparation, the State Board of Career and Technology Education, the Oklahoma Educational Television Authority, the Oklahoma Department of Libraries, the Oklahoma State Regents for Higher Education, the Physician Manpower Training Commission, the Oklahoma Center for the Advancement of Science and Technology, the Office of the State Auditor and Inspector, the Office of the State Bond Advisor, the State Election Board, the Oklahoma Department of Emergency Management, the Ethics Commission, the Office of the Governor, the Oklahoma House of Representatives, the Legislative Service Bureau, the Office of the Lieutenant Governor, the Office of Management and Enterprise Services, the Oklahoma Merit Protection Commission, the Military Department of the State of Oklahoma, the Oklahoma State Senate, the Oklahoma Tax Commission, the Office of the State Treasurer, the Department of Transportation, the Oklahoma Space Industry Development Authority, the State Department of Health, the Oklahoma Health Care Authority, the J.D. McCarty Center for Children with Developmental Disabilities, the Department of Mental Health and Substance Abuse Services, the University Hospitals Authority, the Oklahoma Department of Veterans Affairs, the Oklahoma Commission on Children and Youth, the Office of Disability Concerns, the Department of Human Services, the Office of Juvenile Affairs, the State Department of Rehabilitation Services, the

Oklahoma Department of Agriculture, Food, and Forestry, the Oklahoma Department of Commerce, the Rural Economic Action Plan Fund, the Oklahoma Conservation Commission, the Department of Consumer Credit, the Corporation Commission, the Department of Environmental Quality, the Oklahoma Historical Society, the Oklahoma Horse Racing Commission, the Insurance Department, the J.M. Davis Memorial Commission, the Department of Labor, the Department of Mines, the Scenic Rivers Commission, the Oklahoma Tourism and Recreation Department, the Oklahoma Water Resources Board, the Will Rogers Memorial Commission, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, the Office of the State Fire Marshal, the Oklahoma State Bureau of Investigation, the Council on Law Enforcement Education and Training, the Board of Medicolegal Investigations, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Office of the Attorney General, district attorneys and the District Attorneys Council, the Court of Criminal Appeals, the Supreme Court, the Oklahoma Indigent Defense System, the Pardon and Parole Board, and the Workers' Compensation Court; stating amounts of the appropriations; stating purposes and restrictions; authorizing and requiring certain expenditures; authorizing and requiring certain transfers; requiring certain deposit; reappropriating and redesignating certain funds; and providing effective dates.

HJR 1063 – By Hulbert of the House and Griffin of the Senate.

A Joint Resolution approving permanent rules of the Oklahoma State Department of Health; and directing distribution.

HJR 1064 – By Hulbert of the House and Griffin of the Senate.

A Joint Resolution approving permanent rules of the Oklahoma State Department of Health; and directing distribution.

HJR 1065 – By Hulbert of the House and Griffin of the Senate.

A Joint Resolution approving permanent rule of the Oklahoma State Department of Health; and directing distribution.

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, May 13, 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, As Amended:

CS for SB 1121 – Joint Committee on Appropriations and Budget

Senate:

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

Nays: Treat

House:

Ayes: Armes, Denney, McCullough, Osborn, Billy, Dorman, McDaniel (J), Roberts (S), Brown, Hickman, McNeil, Sears, Christian, Hoskin, McPeak, Watson, Coody, Kern, Nelson, Cox, Martin (Sc), Newell

CS for SB 1122 – Joint Committee on Appropriations and Budget

Senate:

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

Nays: Treat

House:

Ayes: Armes, Denney, McCullough, Sears, Billy, Dorman, McDaniel (J), Watson, Christian, Hickman, Newell, Coody, Kern, Osborn, Cox, Martin (Sc), Roberts (S)

Nays: Morrissette, Proctor

CS for SB 1123 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Bass, Brinkley, David, Fields, Ford, Halligan, Holt, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Marlatt, Paddack

Nays: Crain, Newberry, Standridge, Stanislawski, Sykes, Treat

House:

Ayes: Armes, Denney, McDaniel (J), Schwartz, Billy, Hickman, McNeil, Sears, Christian, Kern, Newell, Coody, Martin (Sc), Osborn, Cox, McCullough, Roberts (S)

Nays: Dorman, Morrissette, Proctor

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 408

SECOND READING

The following were read for the second time and referred to committee as indicated:

HJR 1048 – Health and Human Services

HJR 1051 – Business and Commerce

HJR 1053 – Business and Commerce

HJR 1054 – Health and Human Services

HJR 1058 – Insurance

FIRST READING

The following were introduced and read the first time:

SR 34 – By Sharp and Brecheen.

A Resolution recognizing the life and accomplishments of Gordon Cooper; declaring May 15, 2013, as "Gordon Cooper Day in Oklahoma"; and directing distribution.

SR 35 – By Shortey.

A Resolution declaring May 16, 2013, as Lupus Advocacy Day and May 2013 as Lupus Awareness Month in Oklahoma; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SCR 28 - Coauthored by all other Senators

SCR 30 - Coauthored by all other Senators

SR 34 - Coauthored by Brecheen; Authored by Senator Sharp

SR 35 - Authored by Senator Shortey

HJR 1054 - Remove as author Senator Treat; authored by Senator Standridge

Pursuant to the Schulz motion, the Senate adjourned at 10:55 a.m. to meet Monday, May 13, 2013, at 1:30 p.m.