

Senate Journal

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

Fifty-seventh Legislative Day, Tuesday, May 14, 2013

The Senate was called to order by Senator Fields.

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 Fields declared a quorum present.

The prayer was offered by Pastor Bill Stovall, Noble United Methodist Church, the guest of Senator Sparks.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SB 908 and **SCR 26** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 31 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 408** was adopted upon motion of Senator Paddack.

SB 408, as amended in conference, 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, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--45.

Excused: Marlatt, Mazzei and Shortey.--3.

The bill passed.

SB 408, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2301** was adopted upon motion of Senator Jolley.

HB 2301 was read at length.

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

Aye: Barrington, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Coates, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Schulz, Sharp, Shaw, Shortey, Simpson, Standridge, Stanislawski and Sykes.--28.

Nay: Aldridge, Allen, Anderson, Ballenger, Bass, Brown, Burrage, Dahm, Ellis, Garrison, Ivester, Johnson (C), Mazzei, McAffrey, Newberry, Paddack, Shumate, Sparks, Treat and Wyrick.--20.

The bill passed.

HB 2301, together with the joint conference committee report thereon, was ordered returned to the Honorable House.

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 1416 – GCCA

HB 2187 – Schulz, Stanislawski, Boggs, Coates, Burrage, Ballenger

MESSAGES FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1264, 1359, 1691, 1693, 1694, 1696, 1698, 1701, 1702, 2131** and **2165**.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1359, 1691, 1693, 1694, 1696, 1698, 1701, 1702** and **2165**.

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

Advising passage of and transmitting for consideration Engrossed **HJRs 1047, 1060** and **1061**.

HJR 1047 – By Blackwell of the House and Treat of the Senate.

A Joint Resolution approving permanent rule of the Real Estate Appraiser Board; and directing distribution.

HJR 1060 – By Floyd of the House and McAffrey of the Senate.

A Joint Resolution disapproving permanent rules of the Oklahoma Department of Labor; and directing distribution.

HJR 1061 – By Thomsen of the House and Paddock of the Senate.

A Joint Resolution approving permanent rules of the Council on Law Enforcement Education and Training (CLEET); and directing distribution.

The above-numbered measures were read the first time.

Advising passage of and returning the following Engrossed bills:

SCR 9

SCR 10

SCR 17

SCR 18

The above-numbered measures were referred for enrollment.

Advising naming House conferees on Engrossed bills:

HB 1890 - Conference Committee on Judiciary

HB 2055 - Conference Committee on Administrative Rules, Government Oversight and Repealer

HB 2228 - Conference Committee on Public Safety

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

SB 613 - Conference Committee on Economic Development and Financial Services

SB 645 - GCCA

HB 1612 – GCCA

Senator Schulz moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Fields presiding.

Senator Brinkley questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

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

GENERAL ORDER

SR 30 by Shortey was called up for consideration.

SR 30 was adopted upon motion of Senator Shortey and referred for enrollment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1121** was adopted upon motion of Senator David.

SB 1121 was read at length.

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

Aye: Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin,

Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Wyrick.--42.

Nay: Aldridge, Allen, Anderson and Treat.--4.

Excused: Johnson (C) and Mazzei.--2.

The bill and emergency passed.

SB 1121 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1123** was adopted upon motion of Senator David.

SB 1123 was read at length.

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

Aye: Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Burrage, Coates, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Stanislawski, Sykes and Wyrick.--39.

Nay: Aldridge, Allen, Anderson, Brown, Crain, Standridge and Treat.--7.

Excused: Johnson (C) and Mazzei.--2.

The bill and emergency passed.

SB 1123 was referred for engrossment.

Senator Fields presiding.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1122** was adopted upon motion of Senator Marlatt.

SB 1122 was read at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes and Wyrick.--42.

Nay: Allen, Dahm, Shortey and Treat.--4.

Excused: Johnson (C) and Mazzei.--2.

The bill and emergency passed.

SB 1122 was referred for engrossment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Bingman asked unanimous consent to refer **SR 32** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 32 by Bingman and Burrage was called up for consideration.

SR 32 was adopted upon motion of Senator Bingman and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SB 191** were concurred in upon motion of Senator Marlatt.

SB 191, 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, Ivester, Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--46.

Excused: Johnson (C) and Mazzei.--2.

The bill and emergency passed.

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

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Schulz, the request of the Honorable House for conference on **HB 1695** was ordered granted and Senate conferees appointed as follows: Treat, Johnson (Rob), Loveless, Brooks, Ellis, Ballenger.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

HB 1594 - coauthored by Johnson of the House

Conference committee report was read on the above-numbered bill.

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 26**.

The above-numbered enrolled measures were transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SB 908**.

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

Advising passage of and returning the following Engrossed bills:

SCR 12

SCR 15

SCR 23 - coauthored by all other Representatives

SCR 28

SCR 30

The above-numbered measures were referred for enrollment.

Advising naming House conferees on Engrossed bills:

HB 1719 - Casey, Peterson, Thompsen, Jordan, Fisher, Osborn, Kern, Moore, Denney, Coody, Cannaday, Pruett and Rousselot

HB 1794 - Christian, Osborn, Jordan, Johnson, Echols, Newell, Henke, Kirby, Fourkiller and Scott

HB 2097 - Jackson, Derby, Armes, Biggs, Christian, Hall, Schwartz, Sanders, Dorman and Virgin

Advising Conference granted on Engrossed and naming House conferees:

HB 1875 - GCCA

Advising concurrence in **SAs** to and passage of Engrossed **HB 1661** (emergency failed).

EXECUTIVE NOMINATION

The following executive nomination was read and referred to the committee indicated:

Harrell, Stanton C., Claremore, as a member of the Oklahoma Horse Racing Commission - Finance

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 15, 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:

HJR 1058 – Insurance

Ayes: Allen, Brooks, Brown, Loveless, Stanislawski

DO PASS, As Amended:

CS for SB 1125 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Bass, Brinkley, Coates, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Johnson (Rob), Justice, Newberry, Standridge, Stanislawski, Treat, Wyrick

Nays: Sykes, Treat

House:

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

CS for SB 1128 – Joint Committee on Appropriations and Budget

Senate:

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

Nays: Treat

House:

Ayes: Armes, Dorman, McDaniel (J), Roberts (S), Billy, Hickman, McNiel, Schwartz, Brown, Hoskin, Nelson, Sears, Coody, Kern, Newell, Watson, Cox, Martin (Sc), Osborn, Wesselhoft, Denney, McCullough, Proctor

CS for SB 1135 – Joint Committee on Appropriations and Budget

Senate:

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

Nays: Bass, Sykes, Treat

House:

Ayes: Armes, Dorman, McNiel, Schwartz, Billy, Hickman, Nelson, Sears, Christian, Hoskin, Newell, Watson, Coody, Kern, Osborn, Wesselhoft, Cox, Martin (Sc), Proctor, Denney, McCullough, Roberts (S)

Nays: Brown, McDaniel (J)

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 287

SB 550

SECOND READING

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

HJR 1046 – Business and Commerce

HJR 1056 – Business and Commerce

HJR 1057 – Business and Commerce

HJR 1062 – Business and Commerce

FIRST READING

The following were introduced and read the first time:

SCR 31 – By Standridge of the Senate and Trebilcock of the House.

A Concurrent Resolution urging the Department of the Interior to withdraw the U.S. Bureau of Land Management's proposed rule to regulate hydraulic fracturing on federal and Tribal lands, and to defer to the states on how best to address any health, environmental or safety issues arising from hydraulic fracturing and related operations on these lands.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 164 - Coauthored by Cooksey

SB 418 - Coauthored by Paddack, Shumate

SB 1053 - Remove as principal author Representative McBride and substitute with Representative Echols; Coauthored by McBride

SCR 12 - Coauthored by Moore

SCR 15 - Coauthored by Shelton

SCR 31 - Coauthored by Trebilcock (principal House author); Authored by Senator Standridge

SR 30 - Coauthored by all other Senators

SR 32 - Coauthored by all other Senators

MESSAGE FROM THE GOVERNOR

Advising her approval May 14, 2013, of Enrolled **SBs 97, 233, 294, 332, 402, 406, 422, 498, 655, 678, 708, 759, 780** and **864**.

Pursuant to the Schulz motion, the Senate adjourned at 2:35 p.m. to meet Wednesday, May 15, 2013, at 9:30 a.m.