

Senate Journal

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

Fifty-ninth Legislative Day, Thursday, May 16, 2013

The Senate was called to order by Senator Brooks.

Roll Call:

Present: Aldridge, 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.—47.

Excused: Allen.—1.

Senator Marlatt declared a quorum present.

The prayer was offered by Pastor Greg Mack, Slaughterville Baptist Church, Lexington, the guest of Senator Sparks.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1125 and **1128** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 408 and **951** and **SCR 20** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 27, 29 and **34** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

INTRODUCTION

Senator Burrage introduced his wife, Carole, and his sons, Truman and Carter, to the Senate. President Pro Tempore Bingman asked unanimous consent, which was granted, that Truman and Carter be named Honorary Pages for this legislative day.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Shortey asked unanimous consent to refer **SR 35** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 35 by Shortey was called up for consideration.

SR 35 was adopted upon motion of Senator Shortey and referred for enrollment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1131** was adopted upon motion of Senator Halligan.

SB 1131 was read at length.

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

Aye: Anderson, Barrington, Bingman, Branan, Brinkley, Brooks, Coates, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Schulz, Shaw, Sparks, Standridge and Stanislawski.--25.

Nay: Aldridge, Ballenger, Bass, Boggs, Brecheen, Brown, Burrage, Crain, Dahm, Ellis, Garrison, Johnson (C), McAffrey, Paddack, Sharp, Shortey, Shumate, Simpson, Sykes, Treat and Wyrick.--21.

Excused: Allen and Ivester.--2.

The bill passed.

Senators Boggs, Brecheen, Brown, Johnson (C), McAffrey, Paddack, Sharp, Shortey, Shumate, Simpson, and Treat desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 36; Nay: 10; Excused: 2.

The emergency passed.

SB 1131 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1130** was adopted upon motion of Senator Justice.

SB 1130 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, Dahm, David, Ellis, 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 and Wyrick.--43.

Nay: Treat.--1.

Excused: Allen, Fields, Ivester and Mazzei.--4.

The bill and emergency passed.

SB 1130 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1120** was adopted upon motion of Senator David.

SB 1120 was read at length.

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

Aye: Aldridge, Ballenger, Barrington, Bass, 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 and Wyrick.--42.

Nay: Anderson and Treat.--2.

Excused: Allen, Bingman, Ivester and Mazzei.--4.

The bill and emergency passed.

SB 1120 was referred for engrossment.

Senator Johnson (Rob) presiding.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1124** was adopted upon motion of Senator Jolley.

SB 1124 was read at length.

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

Aye: Aldridge, Barrington, Bingman, Branan, Brecheen, Brinkley, Brooks, Brown, Coates, Dahm, David, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Schulz, Shaw, Simpson, Standridge, Stanislawski, Sykes and Treat.--28.

Nay: Anderson, Ballenger, Bass, Boggs, Crain, Ellis, Fields, Garrison, Johnson (C), McAffrey, Paddack, Sharp, Shortey, Shumate, Sparks and Wyrick.--16.

Excused: Allen, Burrage, Ivester and Mazzei.--4.

The bill passed and the emergency failed.

SB 1124 was referred for engrossment.

INTRODUCTION

Senator Johnson (Rob) introduced his father, former Senator Mike Johnson, to the Senate.

MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORTS

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1068 - coauthored by Sharp of the Senate and Sherrer of the House

HB 1525 - coauthored by Scott of the House

HB 1558 - coauthored by Sharp of the Senate and Johnson of the House

HB 1683

HB 1924 - coauthored by Johnson (Constance) of the Senate

HB 1989 - coauthored by Jolley of the Senate

HB 2164

Conference committee reports were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 20**.

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

Advising fourth reading of and returning Enrolled **SBs 408** and **951**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1588** and **1782**.

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

HB 1441 - Conference Committee on Public Safety

Senator Schulz moved that the Senate recess until 1:00 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Marlatt presiding.

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

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1127** was called up for consideration upon motion of Senator Jolley.

SB 1127 was read at length.

Senator Anderson moved to reject the **JCR** on **SB 1127** and to commit the report and the measure to the custody of the Joint Committee on Appropriations and Budget with the following instructions:

1. That the line item appropriation of \$42,014,000.00 for Reform Implementation set out in Section 1, on page 3, line 5, be reduced by the sum of \$4,250,000.00;
2. That the line item appropriation of \$10,500,000.00 for Early Childhood Initiative set out in Section 1, on page 3, line 12, be deleted;
3. That paragraph 12 in Section 7, on page 8, lines 11-16 be deleted;
4. That Section 11, on page 10, lines 16-19 be deleted;
5. That an additional sum of \$14,750,000.00 be allocated to the school funding formula.

Senator Schulz moved to table the Anderson motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Barrington, Boggs, Branan, Brinkley, Brooks, Coates, Crain, David, Ford, Griffin, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Schulz, Shaw, Shortey, Shumate, Simpson, Standridge, Stanislawski and Treat.--25.

Nay: Anderson, Ballenger, Bass, Dahm, Fields, Garrison, Johnson (C), McAffrey, Paddack, Sparks and Wyrick.--11.

Excused: Aldridge, Allen, Bingman, Brown, Burrage, Ellis, Halligan, Ivester, Mazzei, Sharp and Sykes.--11.

Not Voting: Brecheen.--1.

*Senator Brecheen asked to be shown not voting on the **JCR** on **SB 1127** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

Senator Anderson moved to reject the **JCR** on **SB 1127**, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Barrington, Bingman, Branan, Brinkley, Brooks, Coates, Crain, David, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Schulz, Shaw, Shortey, Shumate, Simpson, Standridge, Stanislawski and Treat.--27.

Nay: Anderson, Ballenger, Bass, Boggs, Brecheen, Dahm, Fields, Garrison, Johnson (C), McAffrey, Paddack, Sharp, Sparks and Wyrick.--14.

Excused: Allen, Brown, Burrage, Ellis, Ivester, Mazzei and Sykes.--7.

Senator Jolley pressed adoption of the **JCR on SB 1127**, which motion was declared adopted.

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

Aye: Barrington, Bingman, Boggs, Branan, Brinkley, Brooks, Coates, Crain, David, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Marlatt, Newberry, Schulz, Shaw, Shumate, Simpson, Standridge and Stanislawski.--25.

Nay: Aldridge, Anderson, Ballenger, Bass, Brecheen, Dahm, Fields, Garrison, Johnson (C), McAffrey, Paddack, Sharp, Sparks, Treat and Wyrick.--15.

Excused: Allen, Brown, Burrage, Ellis, Ivester, Mazzei, Shortey and Sykes.--8.

The bill passed.

Senators Brecheen, Fields, Garrison, McAffrey, Paddack, Sharp and Treat desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 8; Excused: 8.

The emergency passed.

SB 1127 was referred for engrossment.

PENDING CONSIDERATION OF JCR

The **JCR on SB 1126** was adopted upon motion of Senator Jolley.

SB 1126 was read at length.

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

Aye: Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Coates, Crain, David, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C),

Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Sparks, Standridge, Stanislawski and Wyrick.--36.

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

Excused: Allen, Brown, Burrage, Ellis, Ivester, Mazzei, Simpson and Sykes.--8.

The bill passed.

SB 1126 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1622** was rejected upon motion of Senator Schulz, further conference requested, and same Senate conferees appointed as follows: Treat, Ford, Schulz, Bingman, Paddack, Burrage.

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 700 – remove Brown, Brooks, Brecheen, Ballenger and name David, Schulz, Bingman, Burrage

MESSAGES FROM THE HOUSE

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

SB 432 - GCCA

Advising changing House conferees as follows to Engrossed:

SB 700 - withdraw from Insurance and name Mulready, Jordan, Johnson, Jackson, Newell, Murphey, Echols, McCullough, Schwartz, Ritze, Derby, Scott, Pruett and Shoemake

Advising further conference granted and naming same House conferees on Engrossed bills:

HB 1622 - Conference Committee on Public Safety

Advising rejection of **CCRs** to the following bills, requesting further conference and naming same House conferees as follows:

HB 1477 - Conference Committee on Government Modernization

HB 1623 - Conference Committee on Common Education

Advising concurrence in **SAs** to and passage of Engrossed **HBs** 1658 (Emergency failed) and **1783**.

Advising conferees unable to agree on the following:

HB 1115

HB 1933

HB 2194

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1383

HB 1418 - coauthored by Allen and Stanislawski of the Senate and Inman, McDaniel (Jeannie), Condit and Shelton of the House

HB 1426

HB 1688

HB 1690

HB 1700

HB 1703

HB 1874

HB 1886

HB 2182

HB 2193 - coauthored by Sharp of the Senate

HB 2226 - coauthored by Johnson (Constance) of the Senate and Turner of the House

Conference committee reports were read on the above-numbered bills.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, May 20, 2013, at 1:30 p.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 156

SB 164

SB 173

SB 226

SB 321

SB 436

SB 519

SB 557

SB 751

SB 820, coauthored by Stiles

SB 965, coauthored by Biggs, and coauthored by Sanders

SB 1013

SB 1016

SB 1030, coauthored by Biggs

SB 1034, coauthored by Sherrer

COMMITTEE REPORT

The following was reported by the committee named, ordered printed and placed on the Calendar:

DO PASS:

HJR 1061 – Committee on Public Safety

Ayes: Ballenger, Boggs, McAffrey, Shaw, David, Barrington

Nays: Treat

SECOND READING

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

HB 2303 – Direct To Calendar

HB 2304 – Direct To Calendar

HB 2305 – Direct To Calendar

HB 2306 – Direct To Calendar

HB 2307 – Direct To Calendar

HJR 1068 – Business and Commerce

HJR 1069 – Business and Commerce

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

- SB 166** - Coauthored by Marlatt
- SB 173** - Coauthored by Christian
- SB 418** - Coauthored by Matthews
- SB 700** - Remove as coauthor Senator David; Remove as author Senator Stanislawski; authored by Senator David; Coauthored by Stanislawski
- SB 751** - Coauthored by Christian
- SB 820** - Coauthored by Stiles
- SB 965** - Coauthored by Sanders; Coauthored by Biggs
- SB 1030** - Coauthored by Biggs
- SB 1034** - Coauthored by Sherrer
- SB 1126** - Coauthored by Sparks
- SB 1132** - Coauthored by Loveless
- SR 35** - Coauthored by all other Senators
- HB 1418** - Coauthored by Cannaday
- HJR 1048** - Remove as author Senator Treat; authored by Senator Newberry
- HJR 1051** - Remove as author Senator Treat; authored by Senator Newberry
- HJR 1053** - Remove as author Senator Treat; authored by Senator Newberry
- HJR 1056** - Coauthored by McAffrey
- HJR 1057** - Remove as author Senator Treat; authored by Senator Newberry

MESSAGE FROM THE GOVERNOR

Advising her approval May 16, of Enrolled **SBs 285, 692, 908 and 917**.

Pursuant to the Schulz motion, the Senate adjourned at 3:00 p.m. to meet Monday, May 20, 2013, at 1:30 p.m.