

Senate Journal

First Regular Session of the Fifty-fourth Legislature of the State of Oklahoma Sixtieth Legislative Day, Monday, May 20, 2013

The Senate was called to order by Senator Stanislawski.

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, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.—45.

Excused: Mazzei, Sharp and Shumate.—3.

Senator Stanislawski declared a quorum present.

The prayer was offered by Reverend Wade Smith, First Baptist Church of Norman, the guest of Senator Standridge.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1120, 1124, 1126, 1127, 1130 and 1131 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SR 35 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

INTRODUCTION

Senator Brooks introduced his grandmother, Judy Carter, to the Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1101** was adopted upon motion of Senator Barrington.

SB 1101, as amended in conference, 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, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

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

The bill and emergency passed.

SB 1101, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1016** was adopted upon motion of Senator Crain.

SB 1016, as amended in conference, was read at length.

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

Aye: Aldridge, Allen, Barrington, Bingman, Branan, Brecheen, Brinkley, Brooks, Brown, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Newberry, Schulz, Shaw, Shortey, Simpson, Standridge, Stanislawski, Sykes and Treat.--29.

Nay: Anderson, Ballenger, Bass, Boggs, Burrage, Dahm, Ellis, Garrison, Ivester, Johnson (C), McAffrey, Paddack, Sparks and Wyrick.--14.

Excused: Coates, Marlatt, Mazzei, Sharp and Shumate.--5.

The bill passed.

SB 1016, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 226** was adopted upon motion of Senator Ford.

SB 226, as amended in conference, was read at length.

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

Aye: Allen, Barrington, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Loveless, Newberry, Paddack, Schulz, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes and Treat.--29.

Nay: Aldridge, Anderson, Ballenger, Bass, Burrage, Ellis, Fields, Garrison, Ivester, Johnson (C), McAffrey and Wyrick.--12.

Excused: Bingman, Coates, David, Marlatt, Mazzei, Sharp and Shumate.--7.

The bill passed.

Senators Ballenger, Burrage, Fields, McAffrey and Wyrick desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 34; Nay: 7; Excused: 7.

The emergency passed.

SB 226, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 321** was adopted upon motion of Senator Brinkley.

SB 321, as amended in conference, 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, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, McAffrey, Newberry, Paddack, Schulz, Shaw, Shortey, Simpson, Standridge, Stanislawski, Sykes, Treat and Wyrick.--40.

Excused: Bingman, Coates, David, Marlatt, Mazzei, Sharp, Shumate and Sparks.--8.

The bill and emergency passed.

SB 321, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1030** was adopted upon motion of Senator Sykes.

SB 1030, 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, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--39.

Nay: Bass, Garrison and Johnson (C).--3.

Excused: Bingman, Coates, David, Mazzei, Sharp and Shumate.--6.

The bill passed.

SB 1030, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 820** was adopted upon motion of Senator Sykes.

SB 820, as amended in conference, 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, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Crain, Dahm, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--40.

Nay: Bass and Garrison.--2.

Excused: Bingman, Coates, David, Mazzei, Sharp and Shumate.--6.

The bill and emergency passed.

SB 820, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1022** was adopted upon motion of Senator Newberry.

SB 1022, as amended in conference, was read at length.

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

Aye: Aldridge, Allen, Anderson, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Dahm, David, Fields, Ford, Griffin, Holt, Jolley, Justice, Loveless, Marlatt, Newberry, Schulz, Shaw, Simpson, Standridge, Stanislawski, Sykes and Treat.--28.

Nay: Ballenger, Barrington, Bass, Burrage, Crain, Ellis, Garrison, Ivester, Johnson (C), McAffrey, Paddack and Wyrick.--12.

Excused: Coates, Halligan, Johnson (R), Mazzei, Sharp, Shortey, Shumate and Sparks.-
-8.

The bill passed and the emergency failed.

SB 1022, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 965** was adopted upon motion of Senator Marlatt upon roll call as follows:

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Brecheen, Brooks, Burrage, David, Ellis, Fields, Ford, Garrison, Griffin, Ivester, Johnson (C), Justice, Loveless, Marlatt, Paddack, Schulz, Shaw, Simpson, Sparks, Standridge, Sykes and Wyrick.--29.

Nay: Branan, Brinkley, Brown, Crain, Dahm, Holt, Johnson (R), Jolley, McAffrey, Newberry, Shortey, Stanislawski and Treat.--13.

Excused: Aldridge, Coates, Halligan, Mazzei, Sharp and Shumate.--6.

SB 965, as amended in conference, was read at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Brecheen, Brooks, Burrage, David, Ellis, Fields, Ford, Garrison, Griffin, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Paddack, Schulz, Shaw, Shortey, Simpson, Sparks, Standridge, Sykes and Wyrick.--33.

Nay: Branan, Brinkley, Brown, Crain, Dahm, Holt, Newberry, Stanislawski and Treat.-9.

Excused: Aldridge, Coates, Halligan, Mazzei, Sharp and Shumate.--6.

The bill passed.

SB 965, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2304** was adopted upon motion of Senator David.

HB 2304 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, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Shaw, Simpson, Sparks, Standridge, Stanislawski, Treat and Wyrick.--36.

Nay: Allen, Anderson and Dahm.--3.

Excused: Aldridge, Brown, Coates, Halligan, Mazzei, Sharp, Shortey, Shumate and Sykes.--9.

The bill and emergency passed.

The Chair advised that Senator Brown, having been present in the Chamber during the vote on **HB 2304** and the emergency would be shown voting Nay in compliance with Rule 15-1B. The vote thereby resulted as follows: Aye: 36; Nay: 4; Excused: 8.

HB 2304, together with the joint conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2305** was adopted upon motion of Senator David.

HB 2305 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, Brown, Burrage, David, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Shaw, Simpson, Sparks, Standridge, Stanislawski, Treat and Wyrick.--35.

Nay: Allen, Anderson and Dahm.--3.

Excused: Aldridge, Brooks, Coates, Crain, Halligan, Mazzei, Sharp, Shortey, Shumate and Sykes.--10.

The bill and emergency passed.

HB 2305, together with the joint conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2306** was adopted upon motion of Senator David.

HB 2306 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, Brown, Burrage, David, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Shaw, Simpson, Sparks, Standridge, Stanislawski, Treat and Wyrick.--35.

Nay: Allen, Anderson and Dahm.--3.

Excused: Aldridge, Brooks, Coates, Crain, Halligan, Mazzei, Sharp, Shortey, Shumate and Sykes.--10.

The bill and emergency passed.

HB 2306, together with the joint conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2307** was adopted upon motion of Senator David.

HB 2307 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, David, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Shaw, Simpson, Sparks, Standridge, Stanislawski, Treat and Wyrick.--36.

Nay: Allen, Anderson and Dahm.--3.

Excused: Aldridge, Coates, Crain, Halligan, Mazzei, Sharp, Shortey, Shumate and Sykes.--9.

The bill and emergency passed.

HB 2307, together with the joint conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2303** was adopted upon motion of Senator Johnson (Rob).

HB 2303 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, Brown, Burrage, David, Ellis, Fields, Ford, Garrison, Griffin, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Shaw, Simpson, Sparks, Standridge, Stanislawski, Treat and Wyrick.--34.

Nay: Allen, Anderson and Dahm.--3.

Excused: Aldridge, Brooks, Coates, Crain, Halligan, Holt, Mazzei, Sharp, Shortey, Shumate and Sykes.--11.

The bill and emergency passed.

HB 2303, together with the joint conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 557** was adopted upon motion of Senator Jolley.

SB 557, as amended in conference, was read at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brown, Burrage, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski and Treat.--38.

Excused: Aldridge, Brooks, Coates, Crain, Halligan, Mazzei, Sharp, Shumate, Sykes and Wyrick.--10.

The bill and emergency passed.

SB 557, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

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

HB 1441 – Standridge, Barrington, Loveless, David, McAffrey, Ballenger

HB 1623 – McAffrey, Crain, Brooks, Garrison, David, Griffin

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 254 – withdraw from GCCA and name David, Stanislawski, Schulz, Bingman, Burrage, Sparks

MESSAGES FROM THE HOUSE

Advising changing House conferees on Engrossed:

SB 254 - withdraw from Public Health and name Mulready, Jordan, Johnson, Jackson, Newell, Murphey, Echols, McCullough, Schwartz, Ritze, Derby, Scott, Pruett and Shoemake.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1588, 1658, 1782** and **1783**.

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

Advising the Honorable Senate that the House has rescinded the rejection of the **CCR** to **HB 1477**.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2308** and **2310** and **HJR 1070**.

HB 2308 – By Martin (Scott), Newell and Echols of the House and Jolley, Justice and Mazzei of the Senate.

An Act relating to tax credits and tax incentives; amending 68 O.S. 2011, Section 2357, which relates to certain tax credits; eliminating credit related to gas usage; eliminating credit related to certain pollution control facilities; amending 68 O.S. 2011, Section 2358, which relates to computation of Oklahoma taxable income and Oklahoma adjusted gross income; eliminating deduction for certain dividends and interest with respect to Oklahoma financial institutions; repealing 27A O.S. 2011, Section 2-11-303, which relates to tax credits for certain recycling activities; repealing 68 O.S. 2011, Section 2357.6, which relates to the Energy Conservation Assistance Fund; repealing 68 O.S. 2011, Section 2357.13, which relates to tax credits for certain commercial space industry activity; repealing 68 O.S. 2011, Section 2357.24, which relates to tax credits for certain historic battle sites; repealing 68 O.S. 2011, Section 2357.26, which relates to tax credits for certain

child care services; repealing 68 O.S. 2011, Section 2357.29, which relates to tax credits for ad valorem taxes; repealing 68 O.S. 2011, Section 2357.30, which relates to tax credits for Small Business Association guaranty fees; repealing 68 O.S. 2011, Section 2357.32, which relates to tax credits for certain energy systems; repealing 68 O.S. 2011, Section 2357.33, which relates to tax credits for certain immunization expenses; repealing 68 O.S. 2011, Sections 2357.34, 2357.35, 2357.36, 2357.37, 2357.38, 2357.39 and 2357.40, which relate to tax credits for tourism promotion; repealing 68 O.S. 2011, Section 2357.66, which relates to tax credits for certain ethanol facilities; repealing 68 O.S. 2011, Section 2357.67, which relates to tax credits for certain biodiesel facilities; repealing 68 O.S. 2011, Section 2357.81, which relates to tax credits for investments in facilities located in certain incentive districts; repealing 68 O.S. 2011, Section 2357.102, which relates to tax credits for dry fire hydrants; repealing 68 O.S. 2011, Section 2357.402, which relates to tax credits for certain electric motor vehicle manufacturing activity; repealing 68 O.S. 2011, Section 2358.3, which relates to income tax deduction for political contributions; repealing 68 O.S. 2011, Section 2370.3, which relates to tax credits for Stafford loan fees; repealing 68 O.S. 2011, Section 54006, which relates to tax credits for certain research activity; and providing an effective date.

HB 2310 – By Martin (Scott) and Newell of the House and Jolley, Justice and Mazzei of the Senate.

An Act relating to relating to revenue and taxation; amending 68 O.S. 2011, Section 1357, as last amended by Section 82 of Enrolled Senate Bill No. 977 of the 1st Session of the 54th Oklahoma Legislature, which relates to sales tax exemptions; modifying time period during which exemption for rolling stock is applicable; and providing an effective date.

HJR 1070 – By Floyd of the House and Standridge of the Senate.

A Joint Resolution approving permanent rules of the Board of Chiropractic Examiners; and directing distribution.

The above-numbered measures were read the first time.

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 1109

HB 1233 - coauthored by Nelson and Ownbey of the House

HB 1303 - coauthored by Johnson (Constance) of the Senate

HB 1695

HB 1932

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 Tuesday, May 21, 2013, at 1:00 p.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 426

SB 629, coauthored by Wesselhoft

SB 954

COMMITTEE REPORTS

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

DO PASS:

HJR 1046 – Business and Commerce

Ayes: Anderson, Crain, Ford, Garrison, Newberry

Nays: Dahm, Sykes

HJR 1047 – Business and Commerce

Ayes: Anderson, Crain, Dahm, Ford, Garrison, Newberry

Nays: Sykes

HJR 1048 – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Newberry, Standridge

HJR 1051 – Business and Commerce

Ayes: Anderson, Crain, Dahm, Ford, Garrison, Newberry

Nays: Sykes

HJR 1053 – Business and Commerce

Ayes: Anderson, Crain, Dahm, Ford, Garrison, Newberry

Nays: Sykes

HJR 1054 – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Newberry, Standridge

HJR 1056 – Business and Commerce

Ayes: Anderson, Crain, Dahm, Ford, Garrison

Nays: Newberry, Sykes

HJR 1057 – Business and Commerce

Ayes: Anderson, Dahm, Ford, Newberry

Nays: Crain, Garrison, Sykes

HJR 1060 – Business and Commerce

Ayes: Anderson, Crain, Dahm, Ford, Garrison, Newberry, Sykes

HJR 1062 – Business and Commerce

Ayes: Anderson, Crain, Dahm, Ford, Garrison

Nays: Newberry, Sykes

HJR 1063 – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Newberry, Standridge

HJR 1064 – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Newberry, Standridge

HJR 1065 – Health and Human Services

Ayes: Coates, Crain, David, Griffin, Newberry, Standridge

HJR 1069 – Business and Commerce

Ayes: Anderson, Ford, Garrison, Newberry

Nays: Crain, Dahm, Sykes

DO PASS, As Amended:

CS for SB 1132 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Bass, Bingman, Branan, Coates, Crain, Griffin, Holt, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Marlatt, Newberry, Paddack, Standridge, Wyrick

Nays: Brinkley, David, Fields, Ford, Halligan, Justice, Mazzei, Stanislawski, Sykes, Treat

House:

Ayes: Armes, Cox, McNeil, Wesselhoft, Billy, Denney, Newell, Christian, Dorman, Osborn, Coody, Martin (Sc), Sanders.--13

Nays: Brown, McDaniel (J), Proctor, Watson, Hoskin, Morrissette, Schwartz, Kern, Nelson, Sears.--10

FIRST READING

The following was introduced and read the first time:

SR 37 – By Jolley.

A Resolution congratulating the Edmond North High School golf team, the 2013 Class 6A State Champions; acknowledging their exceptional performance and accomplishments; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 173 - Coauthored by David

SB 321 - Coauthored by Fields

SB 629 - Coauthored by Wesselhoft

SB 700 - Coauthored by Griffin

SB 965 - Coauthored by McDaniel (Curtis)

SR 37 - Authored by Senator Jolley

MESSAGE FROM THE GOVERNOR

Advising her approval May 20, 2013, of Enrolled **SBs 191, 408** and **951**.

Pursuant to the Schulz motion, the Senate adjourned at 4:35 p.m. to meet Tuesday, May 21, 2013, at 1:00 p.m.