

Senate Journal

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

Eleventh Legislative Day, Tuesday, February 19, 2013

The Senate was called to order by Senator Griffin.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, 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: Crain.—1.

Senator Griffin declared a quorum present.

The prayer was offered by Pastor Bill Ledbetter, Fairview Baptist Church, Durant, the guest of Senator Brecheen.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 64, 66, 197, 206, 422, 460, 687, 775 and **852** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SR 1 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

CHANGES IN COMMITTEE ASSIGNMENT

The following bills will be reassigned as follows:

SB 177 – Withdrawn from Judiciary and referred to Business and Commerce

SB 401 – Withdrawn from Rules and referred to Public Safety

SB 548 – Withdrawn from Rules and referred to Public Safety

SB 598 – Withdrawn from Rules and referred to General Government

SB 618 – Withdrawn from Judiciary and referred to Public Safety

GENERAL ORDER

SB 989 by Justice and Shortey of the Senate and Biggs of the House was called up for consideration.

Senator Justice moved that **SB 989** be advanced, which motion was declared adopted.

THIRD READING

SB 989 was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branam, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Crain, Johnson (R), Mazzei and Shumate.--4.

The bill passed.

SB 989 was referred for engrossment.

GENERAL ORDER

SB 911 by Brown of the Senate and Mulready of the House was called up for consideration.

Senator Brown moved to amend **SB 911**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Brown moved that **SB 911** be laid over for this legislative day, which was the order.

SB 911 remains on General Order.

GENERAL ORDER

SB 295 by Ivester of the Senate and Murphey of the House was called up for consideration.

Senator Ivester moved to amend **SB 295**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Ivester moved that **SB 295** be advanced, which motion was declared adopted.

THIRD READING

SB 295 was read for the third time 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, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, 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: Crain and Mazzei.--2.

The bill passed.

SB 295 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1038, 1058, 1068, 1071, 1364, 1414, 1595, 1596, 1597** and **1928**.

HB 1038 – By Casey of the House and Ford of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 11-103.6, which relates to curriculum requirements for high school graduation; deleting obsolete language; expanding college preparatory/work ready curriculum unit requirements to include sets of competencies; modifying certain definition; modifying grades when certain credit can be awarded; adding sets of competencies language to certain math requirement; allowing other

scheduling structures for enrollment requirements; providing an effective date; and declaring an emergency.

HB 1058 – By Kern, Ownbey, Cooksey, Fisher, Reynolds, Pittman and Ritze of the House and Dahm of the Senate.

An Act relating to human trafficking; providing for the expungement of records under certain circumstances; sealing records, with exception; providing for codification; and providing an effective date.

HB 1068 – By Denney, Pittman and Wesselhoft of the House and Halligan of the Senate.

An Act relating to criminal procedure; providing short title; creating the Postconviction DNA Act; defining terms; providing eligibility requirements for postconviction DNA testing; providing procedures for filing motion for postconviction DNA testing; providing for the appointment of counsel; stating findings necessary for DNA testing; providing time limitation for transferring items of evidence; requiring disclosure of previous DNA test analyses; declaring which entities may conduct DNA testing; authorizing court to enter DNA testing results order; making motion for postconviction DNA testing optional under certain circumstances; allowing for appeals; providing for codification; providing for noncodification; and providing an effective date.

HB 1071 – By Renegar of the House and Paddock of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 3-150, which relates to the Academic Performance Index; excluding the academic performance of certain online students when determining an Academic Performance Index; amending 70 O.S. 2011, Section 1210.507, which relates to the Oklahoma School Testing Program Act; excluding the testing performance and results of certain online students for certain reporting purposes; amending 70 O.S. 2011, Section 1210.545, as amended by Section 1, Chapter 314, O.S.L. 2012 (70 O.S. Supp. 2012, Section 1210.545), which relates to the Oklahoma School Testing Program annual reports; excluding certain online students when determining certain grades; providing an effective date; and declaring an emergency.

HB 1364 – By Kirby and Pittman of the House and Bass of the Senate.

An Act relating to amusements and sports; allowing certain monies be withheld; providing circumstance under which monies may be withheld; requiring deposit of monies in certain fund; requiring hearing; providing procedure for disbursement of monies; amending 3A O.S. 2011, Section 604.2, as amended by Section 4, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2012, Section 604.2), which relates to the Oklahoma State Athletic Commission; modifying mission statement; amending 3A O.S. 2011, Section 611, as amended by Section 10, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2012, Section 611), which relates to issuance of licenses; clarifying scope of certain considerations; amending 3A O.S. 2011, Section 614, as amended by Section 13, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2012, Section 614), which relates to violations; clarifying application; amending 3A O.S. 2011, Section 617, as amended by Section 15, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2012, Section 617), which relates to the Oklahoma State Athletic Commission; modifying amount of assessment; limiting amount of assessment; providing minimum

assessment amounts; modifying assessment payment deadline; limiting issue of complimentary tickets; requiring assessment on unapproved tickets in excess of limit; establishing value of tickets; requiring promoter be responsible for certain actions of box office; prohibiting certain exchange of complimentary tickets; amending 3A O.S. 2011, Section 624, which relates to testing fighters; removing ability to waive requirements; providing for codification; and providing an effective date.

HB 1414 – By Hall and Murphey of the House and Holt of the Senate.

An Act relating to state government; repealing 74 O.S. 2011, Section 840-2.1, as amended by Section 11, Chapter 303, O.S.L. 2012 (74 O.S. Supp. 2012, Section 840-2.1), which relates to submission of affirmative action plan; repealing 74 O.S. 2011, Section 840-2.2, which relates to supervision of affirmative action officer; repealing 74 O.S. 2011, Section 840-2.3, as amended by Section 870, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2012, Section 840-2.3), which relates to responsibilities of appointing authority; repealing 74 O.S. 2011, Section 840-2.4, as amended by Section 871, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2012, Section 840-2.4), which relates to promulgation of rules and standards by the Director of the Office of Management and Enterprise Services; and providing an effective date.

HB 1595 – By Vaughan of the House and Fields of the Senate.

An Act relating to game and fish; amending 29 O.S. 2011, Section 4-114, which relates to lifetime licenses; increasing certain license residency requirement; and providing an effective date.

HB 1596 – By Vaughan of the House and Fields of the Senate.

An Act relating to game and fish; amending 29 O.S. 2011, Section 2-138, which relates to the definition of resident; modifying definition of resident; requiring persons applying for certain lifetime licenses to maintain a permanent abode in the state for certain period; establishing domiciliary intent as the proof of maintenance of a permanent abode; specifying burden of proof; limiting use of an Oklahoma driver license; requiring certain additional documentation; and making property ownership insufficient.

HB 1597 – By Vaughan of the House and Fields of the Senate.

An Act relating to game and fish; amending 29 O.S. 2011, Section 4-139, which relates to the migratory bird and Sandhill Crane permits; declaring that no person is exempt from the Sandhill Crane permit requirements; and limiting certain exemptions to the migratory bird permit requirements.

HB 1928 – By DeWitt of the House and Fields of the Senate.

An Act relating to game and fish; amending 29 O.S. 2011, Section 4-112A, which relates to hunting licenses; making certain persons ineligible for certain testing and certification; modifying age restrictions for apprentice licenses; and providing an effective date.

The above-numbered measures were read the first time.

EXECUTIVE NOMINATIONS

The following executive nominations were read and referred to the committees as indicated:

Boring, James M., Guymon, as a member of the Oklahoma State Bureau of Investigation Commission - Judiciary

Camey, Helen L., Oklahoma City, as a member of the Board of Regents for Oklahoma City Community College - Education

Haws, Susan C., Glenpool, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Kunzweiler, Christine C., Tulsa, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

McCaffree, Mary A., Oklahoma City, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Services

Myers, David J., Ponca City, as a member of the Oklahoma Science and Technology Research and Development Board - Energy

Wise, Sherri L., Tulsa, as a member of the Oklahoma Science and Technology Research and Development Board – Energy

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 20, 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:

SB 542 – Transportation

Ayes: Barrington, Bass, Branan, Brooks, Loveless, McAffrey, Paddack, Shaw, Shortey, Stanislawski

SB 655 – Transportation

Ayes: Barrington, Bass, Branan, Brooks, Loveless, Marlatt, McAffrey, Newberry, Paddack, Shaw, Shortey, Standridge, Stanislawski

SB 875 – Tourism and Wildlife

Ayes: Boggs, Brecheen, Coates, Ellis, Fields, Garrison, Justice, Sharp

SB 928 – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

SB 984 – Judiciary

Ayes: Allen, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

Nays: Anderson

SB 988 – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

SB 997 – Transportation

Ayes: Barrington, Bass, Branan, Brooks, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Shaw, Shortey, Standridge, Stanislawski

SB 1034 – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

SB 1039 – Judiciary, coauthored by Osborn (principal House author)

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Sykes

Nays: Shumate

SB 1040 – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

HB 1646 – Judiciary, coauthored by Ivester

Ayes: Anderson, Crain, Griffin, Holt, Ivester, Johnson (Rob), Sykes

DO PASS, As Amended:

SB 13 – Transportation

Ayes: Barrington, Bass, Brooks, Loveless, McAffrey, Paddack, Shaw, Shortey, Stanislawski

SB 339 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Halligan, Johnson (Constance), Mazzei, Simpson, Sparks, Treat

Nays: McAffrey

SB 341 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Mazzei, Simpson, Sparks, Treat

Nays: Halligan, Johnson (Constance), McAffrey

SB 433 – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

SB 582 – Judiciary, coauthored by Quinn (principal House author)

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

SB 583 – Judiciary, coauthored by Quinn (principal House author)

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

CS for SB 584 – Transportation, coauthored by Joyner (principal House author)

Ayes: Barrington, Bass, Branan, Brooks, Loveless, McAffrey, Newberry, Paddock, Schulz, Shaw, Shortey, Standridge, Stanislawski

Nays: Marlatt

CS for SB 585 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Halligan, Mazzei, Simpson, Treat

Nays: Johnson (Constance), McAffrey, Sparks

SB 624 – Judiciary, coauthored by Ivester

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

SB 645 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Halligan, Johnson (Constance), Jolley, Mazzei, McAffrey, Schulz, Simpson, Sparks, Treat

SB 660 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Halligan, Mazzei, Simpson, Sparks, Treat

Nays: Johnson (Constance), McAffrey

SB 678 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Halligan, Johnson (Constance), Jolley, Mazzei, McAffrey, Simpson, Sparks, Treat

SB 679 – Judiciary, coauthored by Ivester

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

SB 804 – Finance

Ayes: Brinkley, David, Ford, Halligan, Johnson (Constance), Jolley, Mazzei, McAffrey, Simpson, Sparks

Nays: Aldridge, Dahm, Treat

SB 861 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Halligan, Johnson (Constance), Jolley, Mazzei, McAffrey, Simpson, Sparks, Treat

SB 864 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Halligan, Johnson (Constance), Jolley, Mazzei, McAffrey, Simpson, Sparks, Treat

CS for SB 878 – Transportation

Ayes: Barrington, Bass, Branan, Brooks, Loveless, Marlatt, McAffrey, Newberry, Paddack, Shaw, Shortey, Standridge, Stanislawski

SB 927 – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

CS for SB 937 – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

SB 954 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Halligan, Johnson (Constance), Jolley, McAffrey, Simpson, Sparks, Treat
Nays: Mazzei

SB 961 – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

SB 976 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Halligan, Johnson (Constance), Jolley, Mazzei, McAffrey, Simpson, Sparks, Treat

CS for SB 1038 – Judiciary, coauthored by Ivester

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

CS for SB 1043 – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

CS for SB 1062 – Judiciary, coauthored by Shannon (principal House author), and coauthored by Holt

Ayes: Allen, Anderson, Bingman, Crain, Griffin, Holt, Johnson (Rob), Sykes
Nays: Ivester, Shumate

CS for SB 1083 – Judiciary

Ayes: Allen, Anderson, Griffin, Holt, Ivester, Johnson (Rob), Shumate, Sykes

SJR 16 – Finance

Ayes: Aldridge, Brinkley, Dahm, David, Ford, Halligan, Johnson (Constance), Jolley, Mazzei, McAffrey, Simpson, Sparks, Treat

CS for SCR 5 – Tourism and Wildlife

Ayes: Brecheen, Coates, Ellis, Fields, Garrison, Justice, Sharp

FIRST READING

The following was introduced and read the first time:

SCR 7 – By Brooks and Justice of the Senate and Biggs, Billy and Cleveland of the House.

A Concurrent Resolution congratulating the Blanchard High School Football Team on its Class 3A state championship; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

- SB 181** - Coauthored by Johnson (Constance)
- SB 304** - Coauthored by Johnson (Constance)
- SB 582** - Coauthored by Quinn (principal House author)
- SB 583** - Coauthored by Quinn (principal House author)
- SB 584** - Coauthored by Joyner (principal House author)
- SB 624** - Coauthored by Ivester
- SB 679** - Coauthored by Ivester
- SB 851** - Coauthored by Johnson (Constance)
- SB 1038** - Coauthored by Ivester
- SB 1039** - Coauthored by Osborn (principal House author)
- SB 1062** - Coauthored by Holt; Coauthored by Shannon (principal House author)
- SCR 7** - Coauthored by Billy, Cleveland; Coauthored by Biggs (principal House author); Authored by Senator Brooks; Coauthored by Justice
- HB 1646** - Coauthored by Ivester

Pursuant to the Schulz motion, the Senate adjourned at 2:05 p.m. to meet Wednesday, February 20, 2013, at 1:30 p.m.

JOURNAL CORRECTION

Page 344, Line 1, insert:

“**SB 937** – Withdrawn from Rules and referred to Judiciary”

Page 348, 4th line from bottom, delete all language pertaining to SB 315; and on Page 347, 3rd line from top insert the following:

“**CS for SB 315** – Public Safety, coauthored by Cooksey (principal House author)
Ayes: Ballenger, Barrington, Boggs, Brecheen, David, Holt, McAffrey, Shaw, Shortey”