

# Senate Journal

## Second Regular Session of the Fifty-third Legislature of the State of Oklahoma

Twenty-ninth Legislative Day, Tuesday, March 27, 2012

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—42.

Excused: Childers, Johnson (Rob), Laster, Nichols, and Shortey.—5.

Vacancy: District 20.—1.

Senator Stanislawski declared a quorum present.

The prayer was offered by Reverend Kevin Fouts, Discovery Church, Yukon, the guest of Senator Allen.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 875** and **941** 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 Burrage asked unanimous consent to refer **SR 45** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 45** by Burrage was called up for consideration.

Senator Bingman and all other members of the Senate asked to coauthor **SR 45**, which was the order.

**SR 45** was adopted upon motion of Senator Burrage and referred for enrollment.

**FIRST READING**

The following was introduced and read the first time:

**SCR 33** – By Newberry of the Senate.

A Concurrent Resolution calling upon the Congress of the United States to initiate an amendment to the United States Constitution requiring a balanced budget annually; and directing distribution.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Newberry asked unanimous consent to refer **SCR 33** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 33** by Newberry of the Senate was called up for consideration.

Representative Mulready asked to be named principal House author on **SCR 33**; and Senators Holt, Jolley, Brecheen, Schulz, Brinkley, Crain, David, Fields, Aldridge, Anderson, Barrington, Halligan, Simpson, Mazzei, Justice, Ford, Allen, Marlatt, Bingman, Sykes, Coates, Brown, Treat and Stanislawski asked to coauthor, which was the order.

Senator Newberry moved to amend **SCR 33**, Page 1, Lines 16-17 by changing the amount “\$17 trillion” to “\$15 trillion”, which amendment was declared adopted.

**SCR 33** was adopted upon motion of Senator Newberry and referred for engrossment.

**GENERAL ORDER**

**HB 2188** by DeWitt et al of the House and Schulz and Fields of the Senate was called up for consideration.

Senator Schulz moved that **HB 2188** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2188** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Schulz, Simpson, Sparks, Stanislowski, Sykes, Treat, Wilson and Wyrick.--38.

Excused: Bingman, Childers, Ivester, Johnson (R), Laster, Mazzei, Nichols, Russell and Shortey.--9.

Vacancy: District 20.--1.

The bill and emergency passed.

**HB 2188** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2189** by DeWitt et al of the House and Schulz and Fields of the Senate was called up for consideration.

Senator Schulz moved that **HB 2189** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2189** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Jolley, Justice, Lerblance, Marlatt,

Mazzei, McAffrey, Newberry, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Childers, Ivester, Johnson (R), Laster, Nichols, Russell and Shortey.--7.

Vacancy: District 20.--1.

The bill and emergency passed.

**HB 2189** was properly signed and ordered returned to the Honorable House.

### **CHANGE IN COMMITTEE ASSIGNMENTS**

**HB 2566** – Withdrawn from Health and Human Services and referred to Rules

**HB 3076** – Withdrawn from Education and Appropriations and referred to Appropriations

### **MESSAGE FROM THE HOUSE HAS TO SENATE BILL**

Advising passage of and returning the following Engrossed bill as amended:

**SB 447** - coauthored by Peterson and Peters of the House and Anderson of the Senate

House amendments were read on the above-numbered bill.

### **MESSAGE FROM THE HOUSE**

Advising passage of and returning Engrossed **SB 301**.

The above-numbered measure was referred for enrollment.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HCRs 1024, 1028** and **1034**.

**HCR 1024** – By Morgan, Cannaday, Condit, Lockhart, Pruett, Renegar, Rousselot, Walker and McDaniel (Curtis) of the House and Crain of the Senate.

A Concurrent Resolution declaring the official motto of the State of Oklahoma to be: “Oklahoma-In God We Trust!”.

**HCR 1028** – By Faught and Billy of the House and Brecheen of the Senate.

A Concurrent Resolution affirming the Parental Rights Amendment to the Constitution of the United States; urging Congress to propose the Parental Rights Amendment to the States for ratification; and directing distribution.

**HCR 1034** – By Dorman, Denney, Williams, Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, DeWitt, Derby, Enns, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft and Wright of the House and Barrington of the Senate.

A Concurrent Resolution commending the Fire Service Instructors of Oklahoma and congratulating the organization on the occasion of its 30th anniversary; and directing distribution.

The above-numbered measures were read the first time.

#### **MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 875** and **941**.

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

#### **EXECUTIVE NOMINATIONS**

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

Boesch, Jason C., Edmond, as a member of the Oklahoma State Credit Union Board - Business and Commerce

Bracken, Sandra J., Choctaw, as a member of the State Banking Board - Finance

Buchanan, Gerald D. "Jerry", Tulsa, as a member of the State Election Board - Rules

Donaho, Marceline J., Seminole, as a member of the Board of Regents of Seminole State College - Education

Dugger, Richard L., Hammon, as a member of the Oklahoma State Council for Interstate Adult Offender Supervision - Judiciary

Ervin, Michael D., Wewoka, as a member of the Board of Regents of Seminole State College - Education

Holman, James H., Oklahoma City, as a member of the Used Motor Vehicle and Parts Commission - Business and Commerce

Hurliman, Edgar R., Broken Bow, as a member of the State Board of Agriculture - Agriculture and Rural Development

McKinley, Craig R., Stillwater, as a member of the State Board of Registration for Foresters - Agriculture and Rural Development

Sheets, Randall E., Altus, as a member of the Board of Regents of Western Oklahoma State College - Education

Winchester, Susan C., Chickasha, as a member of the Regional University System of Oklahoma - Education

Senator Ford moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, March 28, 2012, at 1:30 p.m., which motion prevailed.

## **COMMITTEE REPORTS**

The following were reported by the committees named and referred to a second committee:

DO PASS, As Amended:

**HB 2270** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Johnson (Rob), Newberry, Wilson

**HB 2381** – Health and Human Services, coauthored by Brinkley and Newberry of the Senate

Ayes: Brinkley, Crain, Johnson (Rob), Newberry, Russell

Nays: Burrage, Johnson (Constance), Wilson

**CS for HB 2388** – Health and Human Services, coauthored by Sanders and Moore of the House

Ayes: Brinkley, Crain, Johnson (Rob), Newberry, Russell

Nays: Burrage, Johnson (Constance), Wilson

**HB 2421** – Health and Human Services, coauthored by McDaniel (Jeannie) of the House

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Johnson (Rob), Newberry, Russell, Wilson

**HB 2587** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Johnson (Rob), Newberry, Russell, Wilson

**HB 2991** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Johnson (Rob), Newberry, Russell, Wilson

**CS for HB 3058** – Health and Human Services, coauthored by Cox of the House

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Newberry, Russell

Nays: Wilson

**HB 3133** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Johnson (Rob), Newberry, Russell, Wilson

**HB 3136** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Johnson (Rob), Newberry, Russell, Wilson

## **COMMITTEE REPORTS**

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

DO PASS:

**HB 2251** – Health and Human Services, coauthored by Sherrer of the House

Ayes: Brinkley, Crain, Johnson (Constance), Johnson (Rob), Wilson

**HB 2308** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Johnson (Rob), Newberry, Wilson

**HB 2580** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Newberry, Russell, Wilson

DO PASS, As Amended:

**HB 2266** – Health and Human Services

Ayes: Brinkley, Crain, Johnson (Constance), Johnson (Rob), Wilson

Pursuant to the Ford motion, the Senate adjourned at 2:30 p.m. to meet Wednesday, March 28, 2012, at 1:30 p.m.