Senate Journal

Second Regular Session of the Fifty-third Legislature
of the State of Oklahoma
Forty-seventh Legislative Day, Tuesday, May 1, 2012

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.—43.

Excused: Anderson, Crain, Laster, Shortey and Sykes.—5.

Senator Stanislawski declared a quorum present.

The prayer was offered by Reverend David Desmond Player, First United Methodist Church, Altus, the guest of Senator Schulz.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1042 and **1785** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

Senator Marlatt presiding.

PENDING CONSIDERATION OF HAs

HAs to **SBs 259, 1001, 1355, 1398, 1406** and **1816** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAs

HAs to **SB 1218** were concurred in upon motion of Senator Holt.

SB 1218, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat and Wilson.--40.

Excused: Anderson, Crain, Laster, Mazzei, Nichols, Shortey, Sykes and Wyrick.--8.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 1875** were concurred in upon motion of Senator Holt.

SB 1875, 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: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat and Wilson.--41.

Excused: Anderson, Crain, Laster, Mazzei, Shortey, Sykes and Wyrick.--7.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 1863** were concurred in upon motion of Senator Russell.

Senators Allen and Paddack asked to coauthor **SB 1863**, which was the order.

SB 1863, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat and Wilson.--41.

Excused: Anderson, Crain, Laster, Mazzei, Shortey, Sykes and Wyrick.--7.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 1796** were concurred in upon motion of Senator Jolley.

SB 1796, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat and Wilson.--40.

Excused: Anderson, Crain, Laster, Mazzei, Nichols, Shortey, Sykes and Wyrick.--8.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 1797** were concurred in upon motion of Senator Jolley.

SB 1797, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bingman, Branan, Brecheen, Brinkley, Childers, Coates, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Newberry, Nichols, Russell, Schulz, Simpson, Stanislawski and Treat.--25.

Nay: Adelson, Ballenger, Bass, Brown, Burrage, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Lerblance, McAffrey, Paddack, Sparks and Wilson.--15.

Excused: Aldridge, Anderson, Crain, Laster, Mazzei, Shortey, Sykes and Wyrick.--8.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 1170** were concurred in upon motion of Senator Stanislawski.

SB 1170, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat and Wilson.--40.

Excused: Anderson, Crain, Laster, Mazzei, Nichols, Shortey, Sykes and Wyrick.--8.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 1798** were concurred in upon motion of Senator Stanislawski.

SB 1798, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat and Wilson.--40.

Excused: Anderson, Crain, Laster, Mazzei, Nichols, Shortey, Sykes and Wyrick.--8.

The bill passed.

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

UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR

Senator Johnson (Constance) asked unanimous consent to refer **SR 55** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 55 by Johnson (Constance) was called up for consideration.

All other members of the Senate asked to coauthor **SR 55**, which was the order.

SR 55 was adopted upon motion of Senator Johnson (Constance) and referred for enrollment.

UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR

Senator Justice asked unanimous consent to refer **HCR 1031** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1031 by Enns et al of the House and Justice of the Senate was called up for consideration.

Senator Justice asked that all other members of the Senate be named coauthor to **HCR 1031**, to which request objection was heard.

Senators Fields, Allen, Treat, Simpson, Schulz, Ford, Russell, Griffin, Childers, David, Stanislawski, Holt, Brown, Aldridge, Johnson (Rob), Jolley, Brecheen, Brinkley, Halligan, Bingman, Barrington, Marlatt, Branan, Newberry, Coates, Mazzei and Sykes asked to coauthor **HCR 1031**, which was the order.

HCR 1031 was adopted upon motion of Senator Justice and referred for engrossment.

PENDING CONSIDERATION OF HAs

HAs to **SB 1506** were concurred in upon motion of Senator Fields.

SB 1506, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--43.

Excused: Anderson, Crain, Laster, Shortey and Sykes.--5.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SBs 134, 1159, 1192, 1480, 1616** and **1795** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAs

HAs to **SB 448** were concurred in upon motion of Senator Barrington.

SB 448, 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: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--42.

Excused: Anderson, Branan, Crain, Laster, Shortey and Sykes.--6.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 1075** were concurred in upon motion of Senator Barrington.

SB 1075, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--40.

Excused: Anderson, Branan, Crain, Jolley, Laster, Mazzei, Shortey and Sykes.--8.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 1665** were concurred in upon motion of Senator Johnson (Rob).

Senator Johnson (Constance) asked to coauthor **SB 1665**, which was the order.

SB 1665, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--42.

Excused: Anderson, Crain, Laster, Mazzei, Shortey and Sykes.--6.

The bill passed.

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

SCs NAMED

Upon motion of Senator Schulz, Senate conferees were appointed as follows:

SB 259 – Brecheen, Branan, Simpson, Brown, Burrage, Ballenger
SB 447 – Barrington, Sykes, Russell, Anderson, Ballenger, Ivester
SB 1059 – Brown, Stanislawski, Treat, Brecheen, Bass, Sparks
SB 1617 – Brown, Stanislawski, Treat, Brecheen, Bass, Sparks
SB 1664 – GCCA
HB 2230 – Aldridge, Schulz, Newberry, Justice, Ballenger, Bass
HB 2242 – GCCA
HB 2254 – GCCA
HB 2258 – Burrage, Newberry, Coates, Ballenger, Brinkley, Ford
HB 2273 – GCCA
HB 2392 – GCCA
HB 2576 – GCCA
HB 2577 – GCCA
HB 2621 – GCCA
HB 2645 – GCCA
HB 2647 – GCCA
HB 2741 – GCCA

HB 2991 – GCCA
HB 3053 – GCCA
HB 3079 – GCCA
HB 3093 – GCCA

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1910, 2643, 2902, 2925, 3000** and **3110**.

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

Advising fourth reading of and returning Enrolled **SBs 1042** and **1785**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HBs 2419, 2566, 2573, 2654, 2841** and **2928**.

Advising rejection of **SAs** to the following bills, requesting conference and naming House Conference Committee as follows:

HB 2390 - General Conference Committee on Appropriations
HB 2563 - Conference Committee on General Government and Transportation
HB 2689 - Conference Committee on Education
HB 2790 - Conference Committee on Education
HB 2978 - General Conference Committee on Appropriations

Advising passage of and transmitting for consideration Engrossed **HJR 1111** .

HJR 1111 – By Dank of the House and Treat of the Senate.
A Joint Resolution approving permanent rules of the Oklahoma State Board of Examiners for Long-Term Care Administrators; and directing distribution.

The above-numbered measure was read the first time.

MESSAGE FROM THE HOUSE

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

SB 201 - Conference Committee on Public Safety, Judiciary, and Military Affairs
SB 447 - Conference Committee on Public Safety, Judiciary, and Military Affairs
SB 1059 - Conference Committee on Insurance and Economic Development
SB 1067 - Conference Committee on Public Safety, Judiciary and Military Affairs
SB 1588 - Conference Committee on Insurance and Economic Development
SB 1617 - Conference Committee on Insurance and Economic Development
SB 1664 - General Conference Committee on Appropriations
SB 1820 - General Conference Committee on Appropriations

EXECUTIVE NOMINATIONS

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

Bohlman, Curtis O., Woodward, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Cornell, Paul H., Tulsa, as a member of the Board of Regents for Tulsa Community College - Education

Cunningham, James E., Lawton, as a member of the Oklahoma Space Industry Development Authority - Energy

Fisher, Bruce T., Oklahoma City, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Services

Graumann, A. Dean, Granite, as a member of the Board of Regents of Western Oklahoma State College - Education

Hetherington, Jerry T., Sallisaw, as a member of the Board of Regents for Carl Albert State College - Education

Hitch, Jason W., Guymon, as a member of the Oklahoma Water Resources Board - Energy

McTague, Lawrence F., Ardmore, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Mosley, Christopher K., Chickasha, as a member of the Board of Regents of the University of Science and Arts of Oklahoma - Education

Roth, James A., Oklahoma City, as a member of the State Election Board - Rules

Sellers, Tommy L., Claremore, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Sharp, Billy J., Jr., Oklahoma City, as a member of the Oklahoma Board of Licensed Alcohol and Drug Counselors - Health and Human Services

Sherrer, Gary L., Stillwater, as a member of the Arkansas-Oklahoma Arkansas River Compact Commission - Energy

Vanderslice, Ronna, Weatherford, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Services

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 2, 2012, at 1:30 p.m., which motion prevailed.

SECOND READING

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

HJR 1116 – Transportation
HJR 1119 – Energy

MESSAGES FROM THE GOVERNOR

Advising her approval May 1, 2012, of Enrolled **SBs 1060, 1505, 1601** and **1913**.

Pursuant to the Schulz motion, the Senate adjourned at 10:40 a.m. to meet Wednesday, May 2, 2012, at 1:30 p.m.