

# Senate Journal

## Second Regular Session of the Fifty-third Legislature

### of the State of Oklahoma

#### Forty-fifth Legislative Day, Wednesday, April 25, 2012

The Senate was called to order by Senator David.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—48.

Senator David declared a quorum present.

The prayer was offered by Chaplain Sam Garner, Department of Public Safety, Norman, the guest of Senator Nichols.

#### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1222, 1952, 2390, 2391, 2394, 2447, 2469, 2520, 2522, 2524, 2525, 2561, 2563, 2616, 2787, 2790, 2921, 3049, 3056 and 3058** and **HJR 1001 and 1082** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 1060, 1505, 1601 and 1913** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

#### GENERAL ORDER

**HB 2374** by Tibbs and Roan of the House and Sykes of the Senate was called up for consideration.

Senator Shortey asked to coauthor **HB 2374**, which was the order.

Senator Sykes moved that **HB 2374** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2374** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Holt and Mazzei.--3.

The bill passed.

**HB 2374** was referred for engrossment.

### **GENERAL ORDER**

**HB 2367** by Billy et al of the House and Sykes and Shortey of the Senate was called up for consideration.

Senator Sykes moved to amend **HB 2367**, Page 23, Line 5, through Page 24, Line 15, by deleting all language, which amendment was declared adopted.

Senator Sykes moved that **HB 2367** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2367** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Bingman and Holt.--3.

The bill passed.

**HB 2367** was referred for engrossment.

### **GENERAL ORDER**

**HB 2440** by DeWitt et al of the House and Marlatt of the Senate was called up for consideration.

Senator Sykes moved to amend **HB 2440**, Page 336, Lines 2 ½ through 10 ½, by deleting all language in Section 5 and renumbering subsequent sections, which amendment was declared adopted.

Senator Sykes moved to amend **HB 2440**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Sykes moved that **HB 2440** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2440** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--37.

Nay: Coates, Eason McIntyre, Johnson (C), Laster, Lerblance, McAffrey, Wilson and Wyrick.--8.

Excused: Adelson, Bingman and Holt.--3.

The bill and emergency passed.

**HB 2440** was referred for engrossment.

### **GENERAL ORDER**

**HB 3130** by Nelson of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski moved that **HB 3130** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 3130** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Bingman and Holt.--3.

The bill passed.

**HB 3130** was referred for engrossment.

### **GENERAL ORDER**

**HB 2204** by McDaniel (Randy) et al of the House and Newberry of the Senate was called up for consideration.

Senators Allen and Ivester asked to coauthor **HB 2204**, which was the order.

Senator Newberry asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2204**.

Senator Newberry moved to amend **HB 2204**, 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 Newberry moved to amend the floor substitute to **HB 2204**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Newberry moved that **HB 2204** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2204** was read for the third time at length.

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

Aye: Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (R), Jolley, Justice, Laster, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--40.

Nay: Eason McIntyre, Johnson (C), Lerblance, McAffrey and Wilson.--5.

Excused: Adelson, Anderson and Holt.--3.

The bill and emergency passed.

**HB 2204** was referred for engrossment.

**GENERAL ORDER**

**HB 2714** by Jackson et al of the House and Coates of the Senate was called up for consideration.

Senator Coates asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2714**.

Senator Coates moved to amend **HB 2714**, 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 Coates moved that **HB 2714** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2714** was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--39.

Nay: Aldridge.--1.

Excused: Adelson, Anderson, Bingman, Burrage, Crain, Ford, Holt and Mazzei.--8.

The bill passed.

**HB 2714** was referred for engrossment.

### **GENERAL ORDER**

**HB 2090** by Terrill et al of the House and Shortey of the Senate was called up for consideration.

Senators Russell, Garrison and Johnson (Constance) asked to coauthor **HB 2090**, which was the order.

Senator Shortey asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2090**.

Senator Shortey moved to amend **HB 2090**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Shortey moved that **HB 2090** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2090** was read for the third time at length.

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

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

Excused: Adelson, Anderson, Bingman, Burrage, Crain, Ford, Holt and Mazzei.--8.

The bill and emergency passed.

**HB 2090** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2587** by Joyner of the House and Shortey of the Senate was called up for consideration.

Senator Garrison asked to coauthor **HB 2587**, which was the order.

Senator Shortey asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2587**.

Senator Shortey moved to amend **HB 2587**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Shortey moved that **HB 2587** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2587** was read for the third time at length.

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

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

Excused: Adelson, Anderson, Bingman, Burrage, Crain, Ford, Holt and Mazzei.--8.

The bill passed.

**HB 2587** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2249** by Shannon et al of the House and Marlatt and Stanislawski of the Senate was called up for consideration.

Senator Marlatt moved that **HB 2249** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2249** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Bingman, Crain and Holt.--4.

The bill and emergency passed.

**HB 2249** was referred for engrossment.

**GENERAL ORDER**

**HB 2250** by Shannon et al of the House and Marlatt of the Senate was called up for consideration.

Senator Marlatt moved that **HB 2250** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2250** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Bingman, Crain and Holt.--4.

The bill and emergency passed.

**HB 2250** was referred for engrossment.



## **GENERAL ORDER**

**HB 2248** by Shannon et al of the House and Marlatt and Stanislawski of the Senate was called up for consideration.

Senator Marlatt moved that **HB 2248** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 2248** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Bingman, Crain and Holt.--4.

The bill and emergency passed.

**HB 2248** was referred for engrossment.

## **GENERAL ORDER**

**HB 3061** by Steele of the House and Bingman of the Senate was called up for consideration.

Senator Mazzei moved to amend **HB 3061** by deleting Sections 7 and 8; and by renumbering subsequent sections, which amendment was declared adopted.

Senator Mazzei moved that **HB 3061** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 3061** 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, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice,

Marlatt, Mazzei, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--30.

Nay: Ballenger, Bass, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, McAffrey, Paddack, Sparks, Wilson and Wyrick.--16.

Excused: Adelson and Crain.--2.

The bill passed.

**HB 3061** was referred for engrossment.

### **GENERAL ORDER**

**HB 2605** by Blackwell of the House and Marlatt of the Senate was called up for consideration.

Senator Marlatt moved that **HB 2605** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2605** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Crain and Shortey.--3.

The bill passed.

**HB 2605** was referred for engrossment.

### **GENERAL ORDER**

**HB 2929** by Armes and Hickman of the House and Marlatt and Fields of the Senate was called up for consideration.

Senator Marlatt moved that **HB 2929** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2929** was read for the third time at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Aldridge and Shortey.--3.

The bill and emergency passed.

**HB 2929** was referred for engrossment.

### **GENERAL ORDER**

**HB 2388** by Liebmann et al of the House and Holt and Allen of the Senate was called up for consideration.

Senator Sparks asked to coauthor **HB 2388**, which was the order.

Senator Holt moved to amend **HB 2388** by deleting Section 1; and by inserting a new Section 1 to read as follows:

“SECTION 1. AMENDATORY 56 O.S. 2011, Section 230.52, is amended to read as follows:

Section 230.52. A. Except for specific exceptions, conditions or restrictions authorized by the Statewide Temporary Assistance Responsibility System (STARS) and rules promulgated by the Commission for Human Services pursuant thereto, the following are the minimum mandatory requirements for the Temporary Assistance for Needy Families (TANF) program:

1. A recipient shall be eligible to receive assistance pursuant to the TANF program only for a lifetime total of five (5) years, subject to the exemptions allowed by federal law. Child-only cases are not subject to the five-year limitation;

2. Single parents receiving temporary assistance pursuant to the TANF program shall participate in work activities for a minimum of twenty (20) hours per week during the month. Two-parent families receiving temporary assistance pursuant to the TANF program

shall participate in work activities for a minimum of thirty-five (35) hours per week during the month;

3. A recipient must be engaged in one or more of the work activities set out in paragraph 4 of this subsection as soon as required by the Department of Human Services pursuant to the TANF program, but not later than twenty-four (24) months after certification of the application for assistance, unless the person is exempt from work requirements under rules promulgated by the Commission pursuant to the STARS;

4. The Department shall develop and describe categories of approved work activities for the TANF program recipients in accordance with this paragraph. Work activities that qualify in meeting the requirements include, but are not limited to:

- a. (1) unsubsidized employment which is full-time employment or part-time employment that is not directly supplemented by federal or state funds,
- (2) subsidized private sector employment which is employment in a private for-profit enterprise or a private not-for-profit enterprise that is directly supplemented by federal or state funds. Prior to receiving any subsidy or incentive, the employer shall enter into a written contract with the Department, and
- (3) subsidized public sector employment which is employment by an agency of a federal, state, or local governmental entity which is directly supplemented by federal or state funds. Prior to receiving any subsidy or incentive, the employer shall enter into a written contract with the Department.

Subsidized hourly employment or unsubsidized hourly employment pursuant to this subparagraph shall only be approved by the Department as work activity if such employment is subject to:

- (a) the federal minimum wage requirements pursuant to the Fair Labor Standards Act of 1938, as amended,
- (b) the federal Social Security tax and Medicare tax, and
- (c) regulations promulgated pursuant to the federal Occupational Safety and Health Act of 1970 and rules promulgated by the State Department of Labor pursuant thereto,
  - b. a program of work experience,
  - c. on-the-job training,
  - d. assisted job search which may include supervised or unsupervised job-seeking activities,
  - e. job readiness assistance which may include, but is not limited to:
    - (1) orientation in the work environment and basic job-seeking and job retention skills,
    - (2) instruction in completing an application for employment and writing a resume, and
    - (3) instruction in conducting oneself during a job interview, including appropriate dress,
  - f. job skills training which is directly related to employment in a specific occupation for which there is a written commitment by an employer to offer employment to a recipient who successfully completes the training. Job skills training includes, but is not limited to, customized training designed to meet the needs of a specific employer or a specific industry,
  - g. community service programs which are job-training activities provided in areas where sufficient public or private sector employment is not available. Such activities are linked to both education or training and activities that substantially enhance a recipient's employability,

- h. literacy and adult basic education programs,
- i. vocational-educational programs, not to exceed twelve (12) months for any individual, which are directed toward vocational-educational training and education directly related to employment,
- j. education programs which are directly related to specific employment opportunities, if a recipient has not received a high school diploma or General Equivalency Degree, and
- k. child care for other STARS recipients. The recipient must meet training and licensing requirements for child care providers as required by the Oklahoma Child Care Facilities Licensing Act;

5. Single, custodial parents with a child up to one (1) year of age may be exempt from work activities for a lifetime total exemption of twelve (12) months;

6. In order to receive assistance, unmarried teen parents of a minor child at least twelve (12) weeks of age must participate in educational activities or work activities approved by the state;

7. For single-parent families, except for teen parents, educational activities, other than vocational-technical training, do not count toward meeting the required twenty (20) hours of work activity. For two-parent families, educational activities, except vocational-technical training, do not count toward meeting the required thirty-five (35) hours of work activity;

8. A teen parent must live at home or in an approved, adult-supervised setting as specified in Section 230.55 of this title to receive TANF assistance;

9. A recipient must comply with immunization requirements established pursuant to the TANF program;

10. A recipient shall be subject to the increment in benefits for additional children established by Section 230.58 of this title;

11. The following recipient resources are exempt from resource determination criteria:

- a. an automobile with an equity allowance of not more than Five Thousand Dollars (\$5,000.00) pursuant to Section 230.53 of this title,

- b. individual development accounts established pursuant to the Family Savings Initiative Act, or individual development accounts established prior to November 1, 1998, pursuant to the provisions of Section 230.54 of this title in an amount not to exceed Two Thousand Dollars (\$2,000.00),

- c. the equity value of funeral arrangements owned by a recipient that does not exceed the limitation specified by Section 165 of this title, and

- d. earned income disregards not to exceed One Hundred Twenty Dollars (\$120.00) and one-half (1/2) of the remainder of the earned income;

12. An applicant who applies and is otherwise eligible to receive TANF benefits but who has resided in this state less than twelve (12) months shall be subject to Section 230.57 of this title;

13. The recipient shall enter into a personal responsibility agreement with the Department for receipt of assistance pursuant to Section 230.65 of this title;

14. The Department shall, beginning November 1, 2012, screen all adult applicants for TANF to determine if they are engaged in the illegal use of a controlled substance or substances. If the Department has made a determination that the applicant is engaged in the illegal use of a controlled substance or substances, the applicant's request for TANF

benefits shall be denied. The Commission for Human Services shall adopt rules to implement the requirements of this paragraph consistent with the following:

a. The Department shall create a controlled substance screening process to be administered at the time of application. The process shall, at a minimum, include a Substance Abuse Subtle Screening Inventory (SASSI) or other similar screening methods. If necessary to establish a reasonable expectation of certainty, the Department is authorized to use further screening methods, which may include, but are not limited to, a clinical interview, consideration of the Department's history with the applicant, and an Addictions Severity Index (ASI). If the Department has reasonable cause to believe that the applicant is engaged in the illegal use of a controlled substance or substances, the Department is authorized, though not required, to request administration of a chemical drug test, such as urinalysis. The cost of all such initial screenings shall not be borne by the applicant,

b. If at any time during the controlled substance screening process, the applicant refuses to participate, that refusal shall lead to a denial of TANF benefits,

c. If the Department, as the result of a controlled substance screening process, has determined that the applicant is engaged in the illegal use of a controlled substance or substances, the applicant's request for TANF benefits shall be denied, subject to the following:

(1) If there has not already been a chemical drug test administered as part of the controlled substance screening process, the applicant may submit proof of a positive chemical drug test from a state certified laboratory to challenge the Department's finding that the applicant is engaged in the illegal use of a controlled substance or substances. Proof of the chemical drug test must be submitted to the Department no later than the tenth calendar day following denial. If denial is communicated by mail, the ten (10) day window begins on the day after the date of mailing of the denial notice to the applicant's last known address. The denial notice is considered to be mailed on the date that appears on the notice, unless otherwise indicated by the facts,

(2) If denied due to the provisions of this paragraph, an applicant may reapply after one (1) year has passed since the date of denial,

(3) If the applicant is denied due to the provisions of this paragraph, the Department shall recommend a substance abuse treatment program to the denied applicant.,

(4) If an applicant has successfully completed a recommended substance abuse treatment program after the date of denial, the applicant may reapply after six (6) months have passed since the date of denial, rather than the required one (1) year, and

(5) If an applicant has been denied two (2) times due to the provisions of this paragraph, the applicant shall be ineligible for TANF benefits for a period of three (3) years from the date of the second denial,

d. Child-only cases and minor parents under eighteen (18) years of age are not subject to the provisions of this paragraph, and

e. In cases where the application for TANF benefits is not for child-only benefits, but there is not a parent who has been deemed eligible for benefits under the provisions of this paragraph, any benefits for which the dependent children of the family are still eligible shall not be affected and may be received and administered by an appropriate third party approved by the Department for the benefit of the members of the household;

15. a. As a condition of participating in the STARS, all recipients are deemed to have given authorization for the release of any and all information necessary to allow all state and federal agencies to meet the program needs of the recipient.

b. The recipient shall be provided a release form to sign in order to obtain the required information. Failure to sign the release form may result in case closure; and

15. 16. The recipient shall comply with all other conditions and requirements of the STARS, and rules of the Commission promulgated pursuant thereto.

B. 1. Agencies of this state involved in providing services to recipients pursuant to the STARS shall exchange information as necessary for each agency to accomplish objectives and fulfill obligations created or imposed by the STARS and rules promulgated pursuant thereto.

2. Information received pursuant to the STARS shall be maintained by the applicable agency and, except as otherwise provided by this subsection, shall be disclosed only in accordance with any confidentiality provisions applicable to the agency originating the information.

3. The various agencies of the state shall execute operating agreements to facilitate information exchanges pursuant to the STARS.

C. In implementing the TANF program, the Department shall:

1. Provide assistance to aliens pursuant to Section 230.73 of this title;

2. Provide for the closure of the TANF case when the adult recipient refuses to cooperate with agreed upon work activities or other case requirements pursuant to the TANF program;

3. Provide for the sanctioning of parents who do not require their minor children to attend school; and

4. Deny temporary assistance to fugitive felons.

D. In order to ensure that the needy citizens of this state are receiving necessary benefits, the Department shall maintain a listing of all recipients receiving public assistance. The listing shall reflect each recipient's income, social security number, and the programs in which the recipient is participating including, but not limited to, TANF, food stamps, child care, and medical assistance.

E. The Department is hereby authorized to establish a grant diversion program and emergency assistance services.”

Senator Holt moved to amend the floor substitute to **HB 2388** Page 6, Line 12, after the word “TANF” and before the word “benefits”, by inserting the word “cash”; Page 7, Line 5, after the word “TANF” and before the word “benefits”, by inserting the word “cash”; Page 7, Line 7, after the word “a” and before the word “chemical”, by deleting all language and inserting the word “negative”; Page 7, Line 14, after the word “this” and before the comma, by deleting all language and inserting the word “subparagraph”; Page 7, Line 14, after the word “applicant” and before the word “one”, by deleting all language and inserting “shall not be approved until”; Page 7, Line 16, before the word “If”, by deleting “(3)” and inserting “(a)”; Page 7, Line 17, before the word “substance”, by deleting all language and inserting “provide a list of”; Page 7, Line 17, after the word “treatment” and before the word “to”, by deleting all language and inserting the word “programs”; Page 7, Line 17, after the word “applicant” and before the comma, by deleting the period; Page 7, Line 18, before the word “If”, by deleting “(4)” and inserting “(b)”; Page 7, Line 18, after the word

“successfully” and before the word “a” by deleting all language and inserting “complied with”; Page 7, Line 19, after the word “may” and before the word “after”, by deleting all language and inserting “be approved for cash benefits”; Page 7, Line 21, before the word “If”, by deleting “(5)” and inserting “(3)”; Page 7, Line 21, after the word “denied” and before the word “two”, by inserting “TANF cash benefits”; Page 7, Line 21, after the word “this” and before the comma, by deleting all language and inserting “subparagraph”; Page 8, Line 4, after the word “for” and before the word “benefits”, by inserting the word “cash”; and Page 8, Line 14, after the word “any”, by inserting the word “cash”, which amendment was declared adopted.

Senator Holt pressed adoption of the floor substitute to **HB 2388** as amended, which motion was declared adopted.

Senator Holt moved to amend the floor substitute to **HB 2388**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Holt moved that **HB 2388** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2388** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Nay: Eason McIntyre and Johnson (C).--2.

The bill passed.

**HB 2388** was referred for engrossment.

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

Advising passage of and returning the following engrossed bills as amended:

**SB 448** - coauthored by Roan of the House

**SB 1001** - Remove Quinn as principal House author and substitute McDaniel (Randy) as principal House author

**SB 1247** - coauthored by Roan of the House



**SB 1280** - coauthored by Dorman, Walker, Hoskin, Ritze, Cannaday, McDaniel (Jeannie) and Hickman of the House  
**SB 1355**  
**SB 1366** - coauthored by McDaniel (Jeannie) of the House  
**SB 1434**  
**SB 1535** (Emergency Failed)  
**SB 1627**  
**SB 1628**  
**SB 1875** - coauthored by Kern of the House  
**SB 1935** - coauthored by Walker of the House  
**SB 1951** - coauthored by Bennett, Hardin, Roberts (Dustin), Roan, Sherrer, Hoskin and Mulready of the House  
**SB 1953**

House amendments were read on the above-numbered bills.

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 2381, 2516, 2742, 2967, 2994** and **HJR 1093**.

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

Advising passage of and returning the following Engrossed bills:

**SB 1052** - (Emergency Failed)  
**SB 1083** - coauthored by Billy of the House  
**SB 1734** - coauthored by Kern and Nollan of the House  
**SB 1811**

The above-numbered measures were referred for enrollment.

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

**HB 2242** - General Conference Committee on Appropriations  
**HB 2254** - Conference Committee of Public Safety, Judiciary and Military Affairs  
**HB 2258** - General Conference Committee on Appropriations  
**HB 2286** - Conference Committee of Public Safety, Judiciary and Military Affairs  
**HB 2288** - General Conference Committee on Appropriations  
**HB 2300** - Conference Committee on Health and Human Services  
**HB 2330** - Conference Committee on General Government and Transportation

**HB 2494** - Conference Committee on Education  
**HB 2576** - General Conference Committee on Appropriations  
**HB 2577** - Conference Committee on General Government and Transportation  
**HB 2607** - Conference Committee on Natural Resources  
**HB 2621** - General Conference Committee on Appropriations  
**HB 2736** - Conference Committee on Health and Human Services  
**HB 2741** - General Conference Committee on Appropriations  
**HB 3053** - Conference Committee on Government Modernization and Rules  
**HB 3079** - Conference Committee on Government Modernization and Rules  
**HB 3093** - General Conference Committee on Appropriations

Senator Schulz moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

\*

The Senate reconvened with Senator Ford presiding.

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

### **GENERAL ORDER**

**HB 2198** by Vaughan of the House and Wyrick of the Senate was called up for consideration.

Senator Wyrick moved that **HB 2198** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2198** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Marlatt, McAffrey, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislowski, Sykes, Treat and Wyrick.--40.

Excused: Bingman, Coates, Eason McIntyre, Johnson (C), Lerblance, Mazzei, Newberry and Wilson.--8.

The bill passed.

**HB 2198** was referred for engrossment.

## **GENERAL ORDER**

**HB 2396** by Rousselot of the House and David and Brecheen of the Senate was called up for consideration.

Senator David moved to amend **HB 2396**, Page 6, Lines 3 and 4, by deleting all new language and renumbering subsequent divisions, which amendment was declared adopted.

Senator David asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2396**.

Senator David moved to amend **HB 2396**, Page 6, Line 6, by inserting after the comma “,” the word “or”; Page 6, Line 8, by inserting after the comma “,” the word “or”; and Page 6, Line 11, by deleting after the word “Statutes”, the comma “,” and the word “or”, and inserting “; and”, which amendment was declared adopted.

Senator David moved to amend **HB 2396**, Page 1, by restoring the title, which amendment was declared adopted.

Senator David moved that **HB 2396** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 2396** was read for the third time at length.

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

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

Excused: Coates, Eason McIntyre, Lerblance, Newberry and Wilson.--5.

The bill passed.

**HB 2396** was referred for engrossment.

**GENERAL ORDER**

**HB 2266** by Cox of the House and David of the Senate was called up for consideration.

Senator David moved to amend **HB 2266**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restored **HB 2266** to the engrossed version of the bill.

Senator David moved that **HB 2266** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2266** 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, Childers, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Marlatt, McAffrey, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Coates, Eason McIntyre, Lerblance, Mazzei and Newberry.--5.

The bill and emergency passed.

**HB 2266** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2836** by Martin (Scott) of the House and David and Fields of the Senate was called up for consideration.

Senator David asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2836**.

Senator David moved to amend **HB 2836**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute. (Copies were provided for all Senators.)

Senator David moved to amend the floor substitute to **HB 2836**, Page 1, Lines 23 through 24, by restoring the stricken language “and any amendments to the regulations shall go into effect thirty (30) days after adoption”; and by deleting the underlined language

“become effective immediately upon passage”; and Page 2, Line 1 by restoring after the word “regulation” and before the word “specifies” the words “or amendment”, which amendment was declared

Senator David pressed adoption of the floor substitute to **HB 2836** as amended, which motion was declared adopted.

Senator David moved that **HB 2836** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2836** 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, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Nay: Johnson (C) and McAffrey.--2.

Excused: Coates and Lerblance.--2.

The bill and emergency passed.

**HB 2836** was referred for engrossment.

### **GENERAL ORDER**

**HB 3091** by Williams et al of the House and Johnson (Rob) of the Senate was called up for consideration.

Senator Ivester asked to coauthor **HB 3091**, which was the order.

Senator Johnson (Rob) moved that **HB 3091** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 3091** was read for the third time at length.

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

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

Nay: Crain and Johnson (C).--2.

Excused: Coates, Lerblance and Mazzei.--3.

The bill passed.

**HB 3091** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2582** by McDaniel (Jeannie) et al of the House and Adelson and Johnson (Constance) of the Senate was called up for consideration.

Senators Burrage and Coates asked to coauthor **HB 2582**, which was the order.

Senator Adelson moved that **HB 2582** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2582** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Coates and Lerblance.--2.

The bill passed.

**HB 2582** was referred for engrossment.

**GENERAL ORDER**

**HB 1058** by Key et al of the House and Johnson (Rob) of the Senate was called up for consideration.

Senator Johnson (Rob) moved that **HB 1058** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1058** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Coates, Lerblance and Mazzei.--3.

The bill passed.

**HB 1058** was referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1943** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

**GENERAL ORDER**

**HB 2641** by Denney and Williams of the House and Halligan of the Senate was called up for consideration.

Senator Halligan moved that **HB 2641** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2641** 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, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--40.

Nay: Russell, Shortey and Sykes.--3.

Excused: Coates, Lerblance, Marlatt, Mazzei and McAffrey.--5.

The bill and emergency passed.

Pursuant to Rule 12-21, Senator Halligan served notice that the vote be reconsidered whereby **HB 2641** passed.

### **MOTION TO RECONSIDER VOTE**

Senator Halligan moved to reconsider the vote whereby **HB 2641** passed, which motion was declared adopted upon roll call as follows:

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

Nay: Russell, Shortey and Sykes.--3.

Excused: Adelson, Lerblance and Mazzei.--3.

### **THIRD READING**

Senator Halligan moved to reconsider the vote whereby **HB 2641** was advanced, which motion was declared adopted.

### **GENERAL ORDER**

**HB 2641** by Denney and Williams of the House and Halligan of the Senate was called up for further consideration.

Senator Halligan asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2641**.

Senator Halligan moved to amend **HB 2641**, Page 1, by restoring the title and the enacting clause, which amendment was declared adopted.



Senator Halligan moved that **HB 2641** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2641** was read for the third time 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, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--41.

Nay: Jolley, Russell, Shortey and Sykes.--4.

Excused: Adelson, Burrage and Mazzei.--3.

The bill and emergency passed.

**HB 2641** was referred for engrossment.

### **GENERAL ORDER**

**HB 2236** by Faught of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved to suspend Senate Rule 12-4 as it pertains to **HB 2236**, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--32.

Nay: Ballenger, Bass, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, McAffrey, Paddack, Sparks, Wilson and Wyrick.--14.

Excused: Adelson and Burrage.--2.

Senator Aldridge moved to amend **HB 2236**, Page 1, Line 16, by deleting after the stricken language "2012", and before the comma ",", the number "2016" and inserting "2014", which amendment was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Coates, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Stanislawski and Treat.--28.

Nay: Ballenger, Bass, Branan, Crain, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, McAffrey, Paddack, Sparks, Sykes, Wilson and Wyrick.--17.

Excused: Adelson, Anderson and Burrage.--3.

Senator Aldridge moved that **HB 2236** be advanced, which motion was declared adopted.

### THIRD READING

**HB 2236** was read for the third time at length.

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

Aye: Aldridge, Allen, Ballenger, Barrington, Bingman, Branan, Brecheen, Brinkley, Childers, Coates, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Wilson and Wyrick.--38.

Nay: Bass, Brown, Crain, Eason McIntyre, Mazzei, Sykes and Treat.--7.

Excused: Adelson, Anderson and Burrage.--3.

The bill passed.

**HB 2236** was referred for engrossment.

### GENERAL ORDER

**HB 3052** by Steele et al of the House and Bingman of the Senate was called up for consideration.

Senator Lerblance moved to amend **HB 3052**, Page 2, Line 17 1/2, by inserting a new SECTION 1 as follows:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, is amended to read as follows:

1. First degree murder as defined in Section 701.7 of this title;

2. Second degree murder as defined by Section 701.8 of this title;
3. Manslaughter in the first degree as defined by Section 711 of this title;
4. Poisoning with intent to kill as defined by Section 651 of this title;
5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of this title;
6. Assault with intent to kill as provided for in Section 653 of this title;
7. Conjoint robbery as defined by Section 800 of this title;
8. Robbery with a dangerous weapon as defined in Section 801 of this title;
9. First degree robbery as defined in Section 797 of this title;
10. First degree rape as provided for in Section 1115 of this title;
11. First degree arson as defined in Section 1401 of this title;
12. First degree burglary as provided for in Section 1436 of this title;
13. Bombing as defined in Section 1767.1 of this title;
14. Any crime against a child provided for in Section 843.5 of this title;
15. Forcible sodomy as defined in Section 888 of this title;
16. Child pornography as defined in Section 1021.2, 1021.3 or 1024.1 of this title;
17. Child prostitution as defined in Section 1030 of this title;
18. Lewd molestation of a child as defined in Section 1123 of this title;
19. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes who is a resident of a nursing facility;
20. Aggravated trafficking as provided for in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes; or
21. Aggravated assault and battery upon any person defending another person from assault and battery,  
shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial system prior to becoming eligible for consideration for parole. Persons convicted of these offenses shall not be eligible for or for receiving earned credits or any other type of credits which have the effect of reducing the length of the sentence to less than imposed. Beginning January 1, 2013, the Department of Corrections shall keep an accounting of the earned credits of the inmate during incarceration and shall, in the discretion of the Director, apply said credits when eighty-five percent (85%) of the sentence imposed has been served. Granting of the credits shall be solely in the discretion of the Director based on institutional behavior and the total credits granted shall not be more than fifteen percent (15%) of the total sentence.” and by renumbering subsequent Sections and amending the title to conform, which amendment failed of adoption upon roll call as follows:

Aye: Ballenger, Bass, Eason McIntyre, Garrison, Johnson (C), Laster, Lerblance, McAffrey, Paddack, Sparks and Wilson.--11.

Nay: Aldridge, Allen, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Russell, Schulz, Simpson, Stanislawski, Sykes and Treat.--29.

Excused: Adelson, Anderson, Burrage, Childers, Ellis, Ivester, Shortey and Wyrick.--8.

Senator Sykes moved to amend **HB 3052**, Page 2, Line 23, by deleting the word “shall” and inserting the word “may”, which amendment was withdrawn upon motion of Senator Sykes.

Senator Jolley moved that **HB 3052** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 3052** was read for the third time at length.

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

Aye: Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--39.

Nay: Childers, Eason McIntyre, Johnson (C), Johnson (R) and Shortey.--5.

Excused: Adelson, Anderson, Burrage and Mazzei.--4.

The bill passed.

**HB 3052** was referred for engrossment.

### **GENERAL ORDER**

**HB 2247** by Faught of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 2247** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2247** was read for the third time at length.

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

Aye: Aldridge, Allen, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance,

Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Adelson, Anderson, Bingman, Burrage and Mazzei.--5.

The bill passed.

**HB 2247** was referred for engrossment.

### **GENERAL ORDER**

**HB 2959** by Billy et al of the House and Paddack et al of the Senate was called up for consideration.

Senator Wyrick and Representative Glenn asked to coauthor **HB 2959**, which was the order.

Senator Paddack moved that **HB 2959** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2959** was read for the third time at length.

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

Aye: Ballenger, Barrington, Bingman, Brecheen, Brown, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, McAffrey, Paddack, Schulz, Shortey, Sparks, Stanislawski, Wilson and Wyrick.--32.

Nay: Allen, Bass, Branan, Brinkley, Jolley, Mazzei, Newberry, Nichols, Russell, Simpson, Sykes and Treat.--12.

Excused: Adelson, Aldridge, Anderson and Burrage.--4.

The bill passed.

**HB 2959** was referred for engrossment.

### **GENERAL ORDER**

**HB 2652** by Denney et al of the House and Halligan of the Senate was called up for consideration.

Senator Johnson (Constance) asked to coauthor **HB 2652**, which was the order.

Senator Halligan asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2652**.

Senator Halligan moved to amend **HB 2652**, Page 3, Line 12, by inserting after the word “partner” and before the comma “,”, the words “and approval of a retired district court judge appointed annually by the Governor”; and Page 4, Line 15, through Page 5, Line 4, by deleting all language, which amendment was declared adopted.

Senator Halligan moved that **HB 2652** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2652** was read for the third time at length.

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

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

Excused: Adelson, Aldridge, Anderson, Brown, Burrage, Mazzei and Paddack.--7.

The bill passed.

**HB 2652** was referred for engrossment.

### **GENERAL ORDER**

**HJR 1085** by Richardson et al of the House and Crain of the Senate was called up for consideration.

Senator Fields asked to coauthor **HJR 1085**, which was the order.

Senator Crain moved that **HJR 1085** be advanced, which motion was declared adopted.

**THIRD READING**

**HJR 1085** was read for the third time at length.

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

Aye: Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Nichols, Schulz, Simpson, Sparks and Wyrick.--32.

Nay: Allen, Childers, Newberry, Russell, Shortey, Stanislowski, Sykes, Treat and Wilson.--9.

Excused: Adelson, Aldridge, Anderson, Brown, Burrage, Mazzei and Paddack.--7.

The resolution passed.

**HJR 1085** was properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Bass asked unanimous consent to refer **HCR 1035** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1035** by Coody et al of the House and Bass of the Senate was called up for consideration.

**HCR 1035** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2903** by Morgan of the House and Wyrick of the Senate was called up for consideration.

Senator Wyrick moved that **HB 2903** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2903** was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Nay: Holt.--1.

Excused: Adelson, Aldridge, Anderson, Brown, Burrage, Mazzei and Paddock.--7.

The bill passed.

**HB 2903** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2669** by Dorman and Condit of the House and McAffrey of the Senate was called up for consideration.

Senator McAffrey moved that **HB 2669** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2669** was read for the third time at length.

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

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

Excused: Adelson, Aldridge, Anderson, Brown, Burrage, Mazzei and Paddock.--7.

The bill passed.

**HB 2669** was properly signed and ordered returned to the Honorable House.



**GENERAL ORDER**

**HB 2746** by Kirby et al of the House and Marlatt of the Senate was called up for consideration.

Senator Marlatt moved that **HB 2746** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2746** was read for the third time at length.

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

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

Excused: Adelson, Aldridge, Anderson, Brown, Burrage, Mazzei and Paddack.--7.

The bill and emergency passed.

**HB 2746** was referred for engrossment.

**GENERAL ORDER**

**HB 2835** by Martin (Scott) of the House and Marlatt and Fields of the Senate was called up for consideration.

Senator Paddack moved to amend **HB 2835**, Page 3, Lines 1 through 22, by deleting all language in Section 2 and renumbering subsequent sections, which amendment was declared adopted.

Senator Marlatt asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2835**.

Senator Marlatt moved to amend **HB 2835**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Marlatt moved that **HB 2835** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2835** was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Aldridge, Anderson, Brown, Burrage, Johnson (R), Mazzei and Paddack.--8.

The bill passed.

**HB 2835** was referred for engrossment.

**GENERAL ORDER**

**HB 2676** by Shumate and Pittman of the House and Eason McIntyre of the Senate was called up for consideration.

Senator Johnson (Constance) and Representative Pittman asked to coauthor **HB 2835**, which was the order.

Senator Eason McIntyre moved that **HB 2676** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2676** was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Aldridge, Anderson, Brown, Burrage, Johnson (R), Mazzei and Paddack.--8.

The bill and emergency passed.

**HB 2676** was referred for engrossment.

**JOINT COMMITTEE MEMBERSHIP  
APPROPRIATIONS AND BUDGET**

Pursuant to the provisions of Joint Rule 7.1(b), President Pro Tempore Bingman appointed Senator AJ Griffin as a member of the Joint Committee on Appropriations and Budget.

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 1060, 1505, 1601 and 1913**.

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

Advising the Honorable Senate pursuant to Article V, Section 30 of the Oklahoma Constitution that the House of Representatives grants the request of the Honorable Senate to adjourn for more than three days, beginning Thursday, April 26, 2012 until Monday, April 30, 2012.

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

**MOTION EXPIRED**

Time expired for consideration of the motion to reconsider whereby **HB 2952** failed.

**MESSAGE FROM THE GOVERNOR**

Advising her approval April 25, 2012, of Enrolled **SBs 1012, 1152, 1371, 1475, 1621 and 1707**.

Pursuant to the Schulz motion, the Senate adjourned at 4:55 p.m. to meet Monday, April 30, 2012, at 1:30 p.m.