

# Senate Journal

## Second Regular Session of the Fifty-third Legislature

### of the State of Oklahoma

#### Fiftieth Legislative Day, Monday, May 7, 2012

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branán, 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, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.—43.

Excused: Adelson, Allen, Newberry, Russell and Stanislawski.—5.

Senator Sykes declared a quorum present.

The prayer was offered by Dr. George E. Young, Holy Temple Baptist Church, Oklahoma City, the guest of Senator Johnson (Constance).

#### **PENDING CONSIDERATION OF CCR**

The 2<sup>nd</sup> **CCR** on **SB 243** was adopted upon motion of Senator Branán.

**SB 243**, as amended in conference, was read at length.

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

Aye: Aldridge, Ballenger, Barrington, Bass, Bingman, Branán, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Laster, Lerblance, Marlatt, Mazzei, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wilson.--39.

Excused: Adelson, Allen, Anderson, Justice, McAffrey, Newberry, Russell, Stanislawski and Wyrick.--9.

The bill and emergency passed.

**SB 243**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SBs 1222, 1242, 1253, 1314, 1419, 1420 and 1890** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 1523** were concurred in upon motion of Senator Johnson (Rob).

**SB 1523**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Barrington, Bingman, Branan, Brecheen, Brinkley, Burrage, Childers, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Ivester, Johnson (R), Jolley, Laster, Lerblance, Marlatt, Mazzei, Nichols, Paddack, Schulz, Simpson, Sparks, Treat and Wilson.--30.

Nay: Ballenger, Bass, Brown, Eason McIntyre, Garrison, Holt, Johnson (C), Shortey and Sykes.--9.

Excused: Adelson, Allen, Anderson, Justice, McAffrey, Newberry, Russell, Stanislawski and Wyrick.--9.

The bill passed.

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

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 1582** were concurred in upon motion of Senator Johnson (Rob).

**SB 1582**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, 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, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wilson.--40.

Excused: Adelson, Allen, Anderson, McAffrey, Newberry, Russell, Stanislawski 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 1313** were concurred in upon motion of Senator Crain.

**SB 1313**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, 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, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wilson.--42.

Excused: Adelson, Allen, Newberry, Russell, Stanislawski and Wyrick.--6.

The bill passed.

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

#### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1386** were concurred in upon motion of Senator Crain.

**SB 1386**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Nichols, Paddack, Schulz, Simpson, Sparks, Sykes, Treat and Wilson.--40.

Nay: Childers and Shortey.--2.

Excused: Adelson, Allen, Newberry, Russell, Stanislawski and Wyrick.--6.

The bill passed.

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

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 1183** were concurred in upon motion of Senator Burrage.

**SB 1183**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, 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, McAffrey, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wilson.--41.

Excused: Adelson, Allen, Mazzei, Newberry, Russell, Stanislawski 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 1019** were concurred in upon motion of Senator Garrison.

**SB 1019**, as amended by the Honorable House, was read at length.

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

Aye: Anderson, 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, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wilson.--40.

Excused: Adelson, Aldridge, Allen, Ballenger, Newberry, Russell, Stanislawski 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 1465** were concurred in upon motion of Senator Mazzei.

**SB 1465**, 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: Aldridge, Anderson, 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, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wilson.--41.

Excused: Adelson, Allen, Ballenger, Newberry, Russell, Stanislawski and Wyrick.--7.

The bill and emergency passed.

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

#### **FIRST READING**

The following was introduced and read the first time:

**SR 57** – By Johnson (Constance).

A Resolution congratulating the Northeast Vikings for winning the 2012 2A basketball State Championship; and directing distribution.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Johnson (Constance) asked unanimous consent to refer **SR 57** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 57** by Johnson (Constance) was called up for consideration.

All other members of the Senate asked to coauthor **SR 57**, which was the order.

**SR 57** was adopted upon motion of Senator Johnson (Constance) and referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1627** were concurred in upon motion of Senator Bingman.

**SB 1627**, 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: Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Allen, Ballenger, Brown, Mazzei, Newberry, Russell and Stanislawski.--8.

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 1628** were concurred in upon motion of Senator Bingman.

**SB 1628**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Anderson, 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, McAffrey, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Adelson, Allen, Ballenger, Mazzei, Newberry, Russell and Stanislawski.--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 1053** were concurred in upon motion of Senator Coates.

**SB 1053**, 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: Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Allen, Ballenger, Brown, Mazzei, Newberry, Russell and Stanislawski.--8.

The bill and emergency passed.

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

#### **UNANIMOUS CONSENT REQUEST SENATE RULE 12-4**

Senator Schulz asked unanimous consent, which was granted, that Senate Rule 12-4 be suspended with respect to Senate and House Joint Resolutions which approve or disapprove agency rules, to allow such Joint Resolutions to be considered by the full Senate at any time after they are placed on General Order.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Brecheen asked unanimous consent to refer **SCR 24** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 24** by Brecheen of the Senate was called up for consideration.

Representative Murphey asked to be made principal House author of **SCR 24**, which was the order.

**SCR 24** was adopted upon motion of Senator Brecheen, was properly signed and ordered returned to the Honorable House.

**SCs NAMED**

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

**SB 1055** – Russell, Barrington, Treat, Sykes, Burrage, Garrison

**SB 1320** – Brinkley, Stanislawski, Simpson, Brecheen, Garrison, Ivester

**SB 1397** – GCCA

**SB 1451** – GCCA

**SB 1616** – Coates, Brown, Burrage, Anderson, Ballenger, Barrington

**SB 1716** – GCCA

**SB 1743** – Russell, Fields, Sykes, Treat, Burrage, Garrison

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

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

**HB 2373** – Ballenger, Aldridge, Ivester, Crain, Coates, Barrington

**HB 2579** – Brinkley, Fields, Barrington, Crain, Eason McIntyre, Ballenger

**HB 2582** – Adelson, Jolley, Brinkley, Bingman, Schulz, Burrage

**HB 2652** – GCCA

**HB 2653** – GCCA

**HB 2676** – GCCA

**HB 2746** – GCCA

**HB 2939** – GCCA

**HB 3056** – GCCA



**HB 3058** – GCCA  
**HB 3061** – GCCA  
**HB 3108** – Anderson, Stanislawski, Newberry, Allen, Paddack, Burrage  
**HB 3119** – GCCA  
**HB 3130** – GCCA  
**HB 3133** – GCCA  
**HB 3135** – Treat, Sykes, David, Crain, Burrage, Johnson (Constance)  
**HB 3136** – GCCA  
**HJR 1001** – Mazzei, Brinkley, Ford, Halligan, Adelson, Wilson

**MESSAGES FROM THE HOUSE**

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

**SB 134** - Conference Committee on Public Safety, Judiciary and Military Affairs  
**SB 259** - Conference Committee on Insurance and Economic Development  
**SB 456** - GCCA  
**SB 1001** - Conference Committee on Insurance and Economic Development  
**SB 1159** - GCCA  
**SB 1192** - Conference Committee on Natural Resources  
**SB 1230** - GCCA  
**SB 1231** - GCCA  
**SB 1232** - GCCA  
**SB 1234** - GCCA  
**SB 1235** - GCCA  
**SB 1327** - Conference Committee on Natural Resources  
**SB 1336** - GCCA  
**SB 1355** - Conference Committee on Public Safety, Judiciary and Military Affairs  
**SB 1398** - GCCA  
**SB 1406** - Conference Committee on Public Safety, Judiciary and Military Affairs  
**SB 1434** - GCCA  
**SB 1436** - GCCA  
**SB 1464** - GCCA  
**SB 1480** - Conference Committee on General Government and Transportation  
**SB 1520** - Conference Committee on Public Safety, Judiciary and Military Affairs  
**SB 1525** - GCCA  
**SB 1533** - GCCA  
**SB 1535** - GCCA  
**SB 1616** - Conference Committee on Insurance and Economic Development  
**SB 1795** - GCCA  
**SB 1816** - GCCA  
**SJR 52** - Conference Committee on Government Modernization and Rules

Advising fourth reading of and transmitting for signature Enrolled **HBs 2236** and **2578**.

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

Advising the signing of and transmitting for signature Enrolled **HCR 1019**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable House.

Advising passage of and transmitting for consideration Engrossed **HJR 1117, 1118, 1122** and **1123**.

**HJR 1117** – By Grau of the House and David of the Senate.

A Joint Resolution approving permanent rules of the State Board of Medical Licensure and Supervision; and directing distribution.

**HJR 1118** – By Faught of the House and David of the Senate.

A Joint Resolution approving permanent rule of the State Board of Medical Licensure and Supervision; and directing distribution.

**HJR 1122** – By Faught of the House and David of the Senate.

A Joint Resolution approving permanent rules of the State Board of Medical Licensure and Supervision; and directing distribution.

**HJR 1123** – By Faught of the House and Brown of the Senate.

A Joint Resolution approving permanent rules of the Insurance Department of the State of Oklahoma; and directing distribution.

The above-numbered measures were read the first time.

Advising fourth reading of and returning Enrolled **SBs 46, 1182, 1439, 1443** and **1565**.

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

## **EXECUTIVE NOMINATIONS**

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

Anderson, Imozelle F. "Mo", Oklahoma City, as a member of the Board of Regents of the University of Science and Arts of Oklahoma - Education

Bomhoff, Margaret A., Edmond, as a member of the Oklahoma Workers' Compensation Court, Position 9 Judge - Judiciary

Burrage, Bobby Steve, Antlers, as a member of the State Board of Corrections - Public Safety

Coursey, Danny A., Idabel, as a member of the Board of Trustees for the McCurtain County Higher Education Program - Education

Edwards, Jay T., Oklahoma City, as a member of the Oklahoma Space Industry Development Authority - Energy

Graves, Devin S., Altus, as a member of the Alcoholic Beverage Laws Enforcement Commission - Judiciary

Gross, Kevin J., Tulsa, as a member of the State Board of Corrections - Public Safety

Guest, David A., Edmond, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy

Hammon, Tracy L., Bartlesville, as a member of the Environmental Quality Board - Energy

McGivern, Michael W., Tulsa, as a member of the Oklahoma Workers' Compensation Court, Position 5, Judge - Judiciary

Rangel, Ramiro F., Edmond, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy

Roach, Michael W., El Reno, as a member of the State Board of Corrections - Public Safety

Snipes, Carla J., Oklahoma City, as a member of the Oklahoma Workers' Compensation Court, Position 8, Judge - Judiciary

Taylor, L. Bradley, Tulsa, as a member of the Oklahoma Workers' Compensation Court, Position 4, Judge - Judiciary

Williams, Avilla T., Edmond, as a member of the Board of Trustees for Langston University, Oklahoma City and Langston University, Tulsa - Education

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 8, 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 1111** – Health and Human Services

**HJR 1121** – Business and Commerce

## **MESSAGES FROM THE GOVERNOR**

Advising her approval May 4, 2012, of Enrolled **SBs 1052, 1083, 1734** and **1811**.

Advising her approval May 7, 2012, of Enrolled **SBs 1042** and **1785**.

Pursuant to the Schulz motion, the Senate adjourned at 3:00 p.m. to meet Tuesday, May 8, 2012, at 1:30 p.m.