

Senate Journal

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Fifty-fourth Legislative Day, Monday, May 14, 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, 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.—47.

Excused: Eason McIntyre.—1.

Senator David declared a quorum present.

The prayer was offered by Reverend Brent Gifford, The Link Church, Elk City, the guest of Senator Ivester.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1733 and **1814** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORT

Transmitting the following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

HB 3049

Conference committee report was read on the above-numbered bill.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HJR 1114**.

HJR 1114 – By Banz of the House and Branam of the Senate.

A Joint Resolution approving permanent rules of the Oklahoma Real Estate Commission; and directing distribution.

The above-numbered measure was read the first time.

Advising fourth reading of and transmitting for signature Enrolled **HB 2388**.

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

Advising passage of and returning the following Engrossed bills:

SCR 24

SCR 38 - coauthored by Roan, Nollan, McDaniel (Curtis), McDaniel (Jeannie), Walker, Condit, Derby, Shelton, Hickman and Rousselot of the House

The above-numbered measures were referred for enrollment.

Advising concurrence in **SAs** to and passage of Engrossed **HB 3055**.

FIRST READING

The following was introduced and read the first time:

SR 60 – By Johnson (Constance).

A Resolution congratulating the Frederick A. Douglass High School girls track team for winning their second Class 4A Track State Championship; commending coaching staff for their leadership and dedication; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Johnson (Constance) asked unanimous consent to refer **SR 60** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 60 by Johnson (Constance) was called up for consideration.

All other members of the Senate asked to coauthor **SR 60**, which was the order.

SR 60 was adopted upon motion of Senator Johnson (Constance) and referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 138** was adopted upon motion of Senator Ballenger.

Senator Simpson and Representatives Sherrer, Inman and Bennett asked to coauthor **SB 138**, which was the order.

SB 138, as amended in conference, was read 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 (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--47.

Excused: Eason McIntyre.--1.

The bill passed.

SB 138, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2230** was adopted upon motion of Senator Aldridge.

Senator Wyrick asked to coauthor **HB 2230**, which was the order.

HB 2230, as amended in conference, was read at length.

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

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

Nay: Allen.--1.

Excused: Bingman, Eason McIntyre and Jolley.--3.

The bill passed.

HB 2230, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SB 1108 were concurred in upon motion of Senator Anderson.

SB 1108, 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, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, 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, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Coates, Eason McIntyre and Mazzei.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1131 were concurred in upon motion of Senator Anderson.

SB 1131, 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, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, 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: Bingman, Coates, Eason McIntyre and Holt.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1865 were concurred in upon motion of Senator Ford.

SB 1865, 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, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Schulz, Sparks, Stanislawski, Sykes, Treat and Wilson.--37.

Nay: Allen, Childers, Russell, Shortey, Simpson and Wyrick.--6.

Excused: Bingman, Coates, Eason McIntyre, Holt and Mazzei.--5.

The bill 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 62 – By Jolley.

A Resolution reaffirming support for traditional marriage as expressed in the Oklahoma Constitution and federal law.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to refer **SR 62** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 62 by Jolley was called up for consideration.

Senators Newberry, Marlatt, Russell, Sykes, Simpson, Halligan, Barrington, Brown, Brecheen, Brinkley, Stanislawski, Justice, Childers, Griffin, Allen, Ford, Shortey, David, Bingman, Treat, Schulz, Fields, Mazzei and Nichols asked to coauthor **SR 62**, which was the order.

SR 62 was adopted upon motion of Senator Jolley upon as follows:

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

Nay: Adelson, Johnson (C), McAffrey and Wilson.--4.

Excused: Branan, Burrage, Eason McIntyre and Laster.--4.

SR 62 was referred for enrollment.

GENERAL ORDER

HJR 1112 by McPeak of the House and Ivester of the Senate was called up for consideration.

Senator Ivester moved that **HJR 1112** be advanced, which motion was declared adopted.

THIRD READING

HJR 1112 was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, 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, Sykes, Treat, Wilson and Wyrick.--43.

Nay: Bass.--1.

Excused: Bingman, Branan, Eason McIntyre and Mazzei.--4.

The resolution passed.

HJR 1112 was properly signed and ordered returned to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Jolley asked unanimous consent to refer **HCR 1038** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1038 by Fourkiller et al of the House and Jolley of the Senate was called up for consideration.

HCR 1038 was adopted upon motion of Senator Jolley, properly signed and ordered returned to the Honorable House.

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 110 – remove Myers, Branan, Fields, Halligan, Garrison and add Coates, Crain, Johnson (Rob), David, Wilson and retain Burrage

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:

SB 1040 – Marlatt, Branan, Crain, Schulz, Burrage, Paddack

SB 1102 – Anderson, Brown, Crain, Wilson, McAffrey, Branan

SB 1264 – GCCA

SB 1272 – Nichols, Crain, Fields, Sykes, Ivester, Burrage

SB 1280 – GCCA

SB 1420 – Shortey, Coates, Allen, Childers, Garrison, Sparks

SB 1728 – Newberry, Johnson (Rob), Jolley, Nichols, Sparks, Ivester

SB 1868 – Newberry, Treat, Brinkley, Brecheen, Ivester, Laster

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

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

HB 2921 – Brecheen, Fields, Ellis, Sykes, Allen, Ivester

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 1733** and **1814**.

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:

Atwood, Malcom J., Norman, as a member of the Oklahoma State Athletic Commission - Business and Commerce

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Benge, J. Wesley, Park Hill, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Biard, William R., Claremore, as a member of the Will Rogers Memorial Commission - Tourism and Wildlife

Blankenship, L. Steven, Broken Bow, as a member of the Board of Trustees for the McCurtain County Higher Education Program – Education

Brock, John A., Tulsa, as a member of the Oklahoma Capital Investment Board – Finance

Campbell, Sherry L., Nowata, as a member of the State Textbook Committee - Education

Christensen, Kayli B., Oklahoma City, as a member of the Organ Donor Education and Awareness Program Advisory Council - Health and Human Services

Craddock, Michael R., Tulsa, as a member of the Oklahoma Real Estate Commission - Business and Commerce

Evans, R. Don, Jr., Oklahoma City, as a member of the Oklahoma Department of Libraries Board - General Government

Fair, Michael E., Oklahoma City, as a member of the Oklahoma Employment Security Commission - Business and Commerce

Gardner, Clint J., Pryor, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Gibson, Jeremy D., Tulsa, as a member of the Oklahoma Board of Private Vocational Schools - Education

Griesel, David K., El Reno, as a member of the Environmental Quality Board - Energy

Grogg, Stanley E., Tulsa, as a member of the Physician Manpower Training Commission - Health and Human Services

Hanstein, Mark T., Oklahoma City, as a member of the Oklahoma State Athletic Commission - Business and Commerce

Hixon, Philip D., Owasso, as a member of the Will Rogers Memorial Commission - Tourism and Wildlife

Hodge, Dan A., Perry, as a member of the Oklahoma State Athletic Commission - Business and Commerce

Holt, John R., Chickasha, as a member of the Oklahoma Used Motor Vehicle and Parts Commission - Business and Commerce

Huckabay, Deatra J., Snyder, as a member of the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park - Education

Keister, Robert E., Granite, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Kinder, James W., Walters, as a member of the Environmental Quality Board - Energy

Mather, Timothy A., Oklahoma City, as a member of the Oklahoma Science and Technology Research and Development Board - Energy

Mosley, Johnny R., Chickasha, as a member of the Oklahoma Real Estate Commission - Business and Commerce

Neville, Robert M., Oklahoma City, as a member of the Oklahoma Securities Commission – Finance

Nuttle, Marc, Norman, as a member of the Council of Bond Oversight - Finance

Nuttle, R. Marc, Norman, as a member of the Council of Bond Oversight - Finance

Nye, Jerry G., Weatherford, as a member of the Oklahoma Educational Television Authority - Education

Reid, Karl N., Jr., Stillwater, as a member of the Oklahoma Science and Technology Research and Development Board - Energy

Rhines, Steven P., Ardmore, as a member of the Oklahoma Science and Technology Research and Development Board - Energy

Ritchie, Ann H., Enid, as a member of the Oklahoma Department of Libraries Board - General Government

Root, P. David, Canute, as a member of the Oklahoma Liquefied Petroleum Gas Board - Energy

Ross, Stephen E., Choctaw, as a member of the Oklahoma Used Motor Vehicle and Parts Commission - Business and Commerce

Savage, Teresa, Oklahoma City, as a member of the Environmental Quality Board – Energy

Shreve, Terrence L., Barnsdall, as a member of the Oklahoma Used Motor Vehicle and Parts Commission - Business and Commerce

Siegfried, Kerry B., Broken Arrow, as a member of the Oklahoma Used Motor Vehicle and Parts Commission - Business and Commerce

Sims, Billy G., Mountain View, as a member of the Environmental Quality Board - Energy

Smith, Terry L., Oklahoma City, as a member of the Oklahoma State Athletic Commission - Business and Commerce

Spanbauer, Pamela G., Oklahoma City, as a member of the Physician Manpower Training Commission - Health and Human Services

Spoon, James O., Sand Springs, as a member of the Board of Pharmacy - Health and Human Services

Stough, Phyllis J., Oklahoma City, as a member of the Oklahoma Arts Council - Education

Subera, Layne E., Skiatook, as a member of the Physician Manpower Training Commission - Health and Human Services

Wadley, Don J., Afton, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Williford, A. Hearne, Tulsa, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy

Wooldridge, Carl D., Wilburton, as a member of the Board of Regents of Eastern Oklahoma State College - Education

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 15, 2012, at 10:00 a.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 259

SB 1887

SECOND READING

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

HJR 1124 – Public Safety

FIRST READING

The following were introduced and read the first time:

SCR 42 – By Fields and Garrison of the Senate and DeWitt, Brown and Hoskin of the House.

A Concurrent Resolution authorizing the Northern Oklahoma College Board of Regents, acting on behalf of Northern Oklahoma College, to issue certain revenue bonds pursuant to Sections 4001 through 4018 of Title 70 of the Oklahoma Statutes; authorizing the Regional University System of Oklahoma, acting on behalf of Northeastern State University, to issue certain revenue bonds pursuant to Sections 4001 through 4018 of Title 70 of the Oklahoma Statutes; and directing distribution.

SR 59 – By Brecheen.

A Resolution recognizing May 15, 2012, as Choctaw Nation Day at the Capitol; commending the Choctaw Nation's endurance, generosity and historical and contemporary contributions to the State of Oklahoma; and directing distribution.

SR 61 – By Holt.

A Resolution celebrating the Centennial of Jim Thorpe's gold medal-winning performances in the 1912 Olympic Games, Oklahoma's rich Olympic tradition, and the growing Oklahoma Olympic movement and its impact on the 2012 Olympic Games in London.

SR 63 – By Burrage and Bingman.

A Resolution thanking Senator Judy Eason McIntyre for her service in the Oklahoma Legislature; wishing her the best in her future endeavors; and directing distribution.

SR 64 – By Burrage and Bingman.

A Resolution expressing gratitude to Senator Jim Wilson for his service in the Oklahoma Legislature; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising her approval May 14, 2012, of Enrolled **SBs 1019, 1053, 1183, 1313, 1386, 1523, 1582, 1627 and 1628.**

Pursuant to the Schulz motion, the Senate adjourned at 2:50 p.m. to meet Tuesday, May 15, 2012, at 10:00 a.m.