

Senate Journal

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

Fifty-fifth Legislative Day, Tuesday, May 15, 2012

The Senate was called to order by Senator Stanislawski.

Roll Call:

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

Excused: Crain and Laster.—2.

Senator Stanislawski 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 1108, 1131 and 1865 and SCRs 24 and 38 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 60 and 62 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

INTRODUCTION

Senator Marlatt introduced his son, Kole, to the Senate.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

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

SB 1953 – Nichols, Sykes, Fields, Johnson (Rob), Burrage, Bass

PENDING CONSIDERATION OF HAS

HAs to **SB 1847** was rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1038**.

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

Advising passage of and transmitting for consideration Engrossed **HB 3148**.

HB 3148 – By Steele of the House and Bingman of the Senate.

An Act relating to statutes and reports; providing for the Oklahoma Statutes 2011; repealing 75 O.S. 2011, Sections 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 184 and 185, which relate to prior versions of the Oklahoma Statutes; providing for codification; and declaring an emergency.

The above-numbered measure was read the first time.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2230** and **3055** and **HJR 1112**.

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

GENERAL ORDER

HJR 1101 by Faught of the House and Ford of the Senate was called up for consideration.

Senator Ford moved that **HJR 1101** be advanced, which motion was declared adopted.

THIRD READING

HJR 1101 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, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--43.

Nay: Shortey and Sykes.--2.

Excused: Crain, Laster and McAffrey.--3.

The bill passed.

HJR 1101 was properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Holt asked unanimous consent to refer **SR 61** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 61 by Holt was called up for consideration.

All other members of the Senate asked to coauthor **SR 61**, which was the order.

SR 61 was adopted upon motion of Senator Holt and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
SENATE RULE SUSPENDED**

Senator Anderson asked unanimous consent to suspend Senate Rule 16-1 as it pertains to **HB 2192**, which was the order.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Anderson asked unanimous consent to withdraw **HB 2192** from Committee and placed directly to the Calendar for consideration, which was the order.

GENERAL ORDER

HB 2192 by Murphey of the House and Anderson of the Senate was called up for consideration.

Senator Anderson moved that **HB 2192** be advanced, which motion was declared adopted.

THIRD READING

HB 2192 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, David, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Crain, Eason McIntyre, Ellis, Laster and Shortey.--5.

The bill passed.

HB 2192 was properly signed and ordered returned to the Honorable House.

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

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The Senate reconvened with Senator Stanislawski presiding.

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

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 397 – Stanislawski, Brown, Fields, Allen, Burrage, Garrison

SCs NAMED

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

SB 1618 – Brown, Stanislawski, Simpson, Paddack, Brecheen, Ballenger

SB 1644 – Marlatt, Barrington, Justice, Garrison, Brecheen, Wyrick

SB 1889 – Marlatt, Barrington, Treat, Adelson, Coates, Burrage

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 447, coauthored by Nollan of the House

SB 1055

SB 1743

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Brecheen asked unanimous consent to refer **SR 59** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 59 by Brecheen was called up for consideration.

Senator Ellis asked to coauthor **SR 59**, which was the order.

SR 59 was adopted upon motion of Senator Brecheen and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Burrage asked unanimous consent to refer **SR 63** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 63 by Burrage and Bingman was called up for consideration.

All other members of the Senate asked to coauthor **SR 63**, which was the order.

SR 63 was adopted upon motion of Senator Burrage and referred for enrollment.

INTRODUCTION

Senator Eason McIntyre introduced her mother, Jeanne Phillips; her sister, Sylvia M. Dean; her brother, Larry Eason, and his friend, Barby Osborn, to the Senate.

Senator Eason McIntyre presiding.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator David asked unanimous consent to refer **SCR 40** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 40 by Eason McIntyre of the Senate and Hardin of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR40**, which was the order.

SCR 40 was adopted upon motion of Senator Eason McIntyre and referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SB 1196 were concurred in upon motion of Senator Burrage.

SB 1196, 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, Allen, Anderson, Ballenger, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Marlatt,

McAffrey, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--39.

Excused: Aldridge, Bass, Coates, Crain, Laster, Lerblance, Mazzei, Newberry and Sparks.--9.

The bill passed.

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

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCRs 24** and **38**.

The above-numbered enrolled measures were transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 1108, 1131** and **1865**.

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

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

- SB 110** - Conference Committee on Natural Resources
- SB 397** - Conference Committee on Insurance and Economic Development
- SB 1040** - Conference Committee on Natural Resources
- SB 1102** - Conference Committee on Insurance and Economic Development
- SB 1264** - GCCA
- SB 1272** - Conference Committee on Health and Human Services
- SB 1280** - GCCA
- SB 1309** - Conference Committee on Government Modernization and Rules
- SB 1618** - Conference Committee on Insurance and Economic Development
- SB 1644** - GCCA
- SB 1728** - Conference Committee on Public Safety, Judiciary and Military Affairs
- SB 1868** - GCCA
- SB 1889** - Conference Committee on Public Safety, Judiciary and Military Affairs
- SB 1953** - Conference Committee on Public Safety, Judiciary and Military Affairs

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 16, 2012, at 9:30 a.m., which motion prevailed.

COMMITTEE REPORTS

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

DO PASS:

HJR 1097 – Health and Human Services

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

HJR 1100 – Health and Human Services

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

HJR 1107 – Tourism and Wildlife

Ayes: Anderson, Barrington, Bass, Brown, Coates, Ellis, Fields, Garrison, Justice

HJR 1109 – Health and Human Services

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

HJR 1111 – Health and Human Services

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

HJR 1115 – Health and Human Services

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

HJR 1118 – Health and Human Services

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

HJR 1122 – Health and Human Services

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

HJR 1123 – Retirement and Insurance

Ayes: Anderson, Brecheen, Brown, Crain, Stanislowski, Treat, Wilson

DO PASS, As Amended:

HJR 1095 – Health and Human Services

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

SECOND READING

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

HJR 1114 – Business and Commerce

FIRST READING

The following was introduced and read the first time:

SR 65 – By Wilson.

A Resolution affirming support for the flash test and specific gravity test of kerosene as expressed in the Oklahoma Constitution.

MESSAGE FROM THE GOVERNOR

Advising her approval May 15, 2012, of Enrolled **SBs 1111, 1199, 1246, 1412, 1471, 1474, 1497, 1733, 1905, and 1951.**

Pursuant to the Schulz motion, the Senate adjourned at 3:30 p.m. to meet Wednesday, May 16, 2012, at 9:30 a.m.