

Senate Journal

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Fifty-seventh Legislative Day, Thursday, May 17, 2012

The Senate was called to order by Senator Sykes.

Roll Call:

Present: 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, Paddock, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—47.

Excused: Adelson.—1.

Senator Sykes 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

SCRs 23, 28 and 42 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SB 1247 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 64 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

INTRODUCTION

Senator Eason McIntyre introduced Senator Burrage's son, Carter, to the Senate.

Senator Stanislawski presiding.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HJR 1132**.

HJR 1132 – By Banz of the House and Newberry of the Senate.

A Joint Resolution approving permanent rules of the Oklahoma Construction Industries Board; and directing distribution.

The above-numbered measure was read the first time.

Advising the signing of and transmitting for signature Enrolled **HCR 1040**.

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

Advising fourth reading of and transmitting for signature Enrolled **HJRs 1107** and **1111**.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 259** was adopted upon motion of Senator Brecheen.

SB 259, 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, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Laster, Lerblance, Marlatt, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--39.

Nay: Eason McIntyre, Johnson (C), McAffrey and Wyrick.--4.

Excused: Adelson, Bingman, Crain, Jolley and Mazzei.--5.

The bill and emergency passed.

SB 259, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2367** was adopted upon motion of Senator Sykes.

HB 2367, as amended in conference, was read at length.

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

Aye: Aldridge, Allen, Anderson, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--34.

Nay: Ballenger, Bass, Ellis, Garrison, Johnson (C), Laster, Lerblance, Wilson and Wyrick.--9.

Excused: Adelson, Bingman, Crain, Jolley and Mazzei.--5.

The bill passed.

HB 2367, together with the conference committee report thereon, was ordered returned to the Honorable House.

GENERAL ORDER

HJR 1098 by Banz of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HJR 1098** be advanced, which motion was declared adopted.

THIRD READING

HJR 1098 was read for the third time at length.

On the question of passage of the resolution, 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, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster,

Lerblance, McAffrey, Newberry, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Bingman, Crain, Jolley, Marlatt, Mazzei, Nichols and Shortey.--8.

The resolution passed.

HJR 1098 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 Sykes presiding.

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

MESSAGES FROM THE HOUSE

Advising further conference granted and naming same House conferees on Engrossed **SB 1887** as follows: Conference Committee on Public Safety, Judiciary and Military Affairs.

Advising conference granted on Engrossed **SB 929** and naming House conferees as follows: Conference Committee on Government Modernization and Rules.

Advising naming same conferees on Engrossed **SB 671** as follows: Conference Committee on Public Safety, Judiciary and Military Affairs.

MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORTS

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

HB 2921 - (2ND CCR) coauthored by Bennett of the House

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

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 1067

SB 1943

GENERAL ORDER

HJR 1123 by Faught of the House and Brown of the Senate was called up for consideration.

Senator Brown moved that **HJR 1123** be advanced, which motion was declared adopted.

THIRD READING

HJR 1123 was read for the third time at length.

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

Aye: Aldridge, Allen, 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, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--42.

Nay: Sykes.--1.

Excused: Adelson, Bingman, Eason McIntyre, Jolley and Mazzei.--5.

The resolution passed.

HJR 1123 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1617** was adopted upon motion of Senator Brown.

SB 1617, 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, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Adelson, Bingman, Eason McIntyre, Johnson (R), Jolley, Mazzei and Nichols.--7.

The bill and emergency passed.

SB 1617, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2319** was adopted upon motion of Senator Anderson.

HB 2319, 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, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--41.

Excused: Adelson, Bingman, Eason McIntyre, Johnson (R), Jolley, Mazzei and Wilson.--7.

The bill and emergency passed.

HB 2319, together with the conference committee report thereon, was ordered returned to the Honorable House.

GENERAL ORDER

HJR 1126 by Armes of the House and Anderson of the Senate was called up for consideration.

Senator Anderson moved that **HJR 1126** be advanced, which motion was declared adopted.

THIRD READING

HJR 1126 was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Branan, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Johnson (C), Justice, Laster, Lerblance, Marlatt, McAffrey, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski and Wyrick.--32.

Nay: Bass, Brecheen, Holt, Ivester, Newberry, Shortey, Sykes and Treat.--8.

Excused: Adelson, Bingman, Eason McIntyre, Johnson (R), Jolley, Mazzei, Nichols and Wilson.--8.

The resolution passed.

HJR 1126 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1743** was adopted upon motion of Senator Russell.

SB 1743, as amended in conference, was read 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, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--44.

Excused: Adelson, Eason McIntyre, Johnson (R) and Wilson.--4.

The bill passed.

SB 1743, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1001** was adopted upon motion of Senator Stanislawski.

SB 1001, as amended in conference, was read 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, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Adelson, Eason McIntyre, Johnson (R), Shortey and Wilson.--5.

The bill passed.

SB 1001, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3049** was adopted upon motion of Senator Griffin.

Senator Branan asked to coauthor **HB 3049**, which was the order.

HB 3049, as amended in conference, was read 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, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--42.

Excused: Adelson, Eason McIntyre, Johnson (R), Mazzei, Shortey and Wilson.--6.

The bill passed.

HB 3049, together with the conference committee report thereon, was ordered returned to the Honorable House.

GENERAL ORDER

HJR 1119 by Armes of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HJR 1119** be advanced, which motion was declared adopted.

THIRD READING

HJR 1119 was read for the third time at length.

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

Aye: Barrington, Branan, Fields, Ford, Griffin, Johnson (R), Justice, Marlatt, McAffrey, Schulz and Simpson.--11.

Nay: Allen, Ballenger, Bass, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Laster, Lerblance, Mazzei, Newberry, Paddack, Russell, Sparks, Stanislawski, Sykes, Treat and Wyrick.--30.

Excused: Adelson, Aldridge, Anderson, Bingman, Nichols, Shortey and Wilson.--7.

The resolution failed.

Pursuant to Rule 12-21, Senator Justice served notice that the vote be reconsidered whereby **HJR 1119** failed.

Senator Stanislawski presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1588** was adopted upon motion of Senator Barrington.

SB 1588, as amended in conference, was read at length.

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

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

Excused: Adelson, Aldridge, Anderson, Bingman, Jolley, Marlatt, Mazzei, Shortey and Wilson.--9.

The bill and emergency passed.

SB 1588, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

GENERAL ORDER

SCR 39 by Coates of the Senate was called up for consideration.

Representative Morgan asked to be made principal House author of **SCR 39**, which was the order.

SCR 39 was adopted upon motion of Senator Coates and referred for engrossment.

SCs NAMED

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

SB 1847 – GCCA

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 1468 – Ballenger, Johnson (Rob), Barrington, Garrison, Schulz, Coates

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 2689 - coauthored by Bennett, Inman and Sherrer

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

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 1247**.

The above-numbered enrolled measure was referred to the Governor.

EXECUTIVE NOMINATIONS

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

Batson, Robyn E., Broken Bow, as a member of the Oklahoma Tourism and Recreation Commission - Tourism and Wildlife

Bower, Michael W., Midwest City, as a member of the Oklahoma State Athletic Commission - Business and Commerce

Roberts, Loretta K., Broken Arrow, as a member of the Board of Dentistry - Health and Human Services

Starkey, Timothy E., Alva, as a member of the State Board of Health - Health and Human Services

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Friday, May 18, 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 1114 – Business and Commerce

Ayes: Brinkley, Childers, Ellis, Ford, Halligan, McAffrey, Newberry

HJR 1121 – Business and Commerce

Ayes: Childers, Ellis, Ford, Holt, McAffrey, Newberry

HJR 1124 – Public Safety

Ayes: Ballenger, Barrington, David, Garrison, Schulz

HJR 1127 – Business and Commerce

Ayes: Childers, Ellis, Ford, Holt, McAffrey

Nays: Newberry

DO PASS, As Amended:

SCR 22 – Appropriations

Ayes: Ballenger, Brinkley, Burrage, Crain, Ford, Griffin, Halligan, Ivester, Justice, Marlatt, McAffrey, Newberry, Paddack, Stanislawski, Wilson, Wyrick

Nays: David, Jolley

Pursuant to the Schulz motion, the Senate adjourned at 3:15 p.m. to meet Friday, May 18, 2012, at 9:30 a.m.