

Senate Journal

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Sixty-first Legislative Day, Wednesday, May 23, 2012

The Senate was called to order by Senator Marlatt.

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, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—47.

Excused: Russell.—1.

Senator Marlatt declared a quorum present.

The prayer was offered by Dr. Dennis Clark, First Christian Church, Guthrie, the guest of Senator Griffin.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SB 1743 and **SCR 41** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

INTRODUCTION

Senator Nichols introduced his daughter, Jessica to the Senate. Senator Schulz asked unanimous consent, which was granted, that Jessica be named an Honorary Page for this legislative day.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HJR 1129**.

HJR 1129 – By Armes of the House and Justice of the Senate.

A Joint Resolution disapproving permanent rules of the Oklahoma Department of Agriculture, Food, and Forestry; and directing distribution.

The above-numbered measure was read the first time.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2659** and **2921** and **HJR 1114**.

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

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 1397 – remove from GCCA and add Crain, Bingman, Schulz, Justice, Burrage and Paddack.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Brinkley asked unanimous consent to refer **HCR 1023** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1023 by Kern of the House and Brinkley of the Senate was called up for consideration.

HCR 1023 was adopted upon motion of Senator Brinkley, properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2939** was adopted upon motion of Senator Brinkley.

HB 2939, 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, Ballenger, Barrington, 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, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Anderson, Bass, Bingman and Russell.--4.

The bill passed.

HB 2939, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1320** was adopted upon motion of Senator Brinkley.

SB 1320, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, 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, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Anderson, Bass, Bingman and Russell.--4.

The bill and emergency passed.

SB 1320, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1451** was adopted upon motion of Senator Brinkley.

Senator Johnson (Constance) asked to coauthor **SB 1451**, which was the order.

SB 1451, 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, Ballenger, Barrington, 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, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Anderson, Bass, Bingman, Mazzei and Russell.--5.

The bill passed.

SB 1451, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

EXECUTIVE NOMINATIONS

The following executive nominations have been approved by the committee named:

Adams, Judith K. Ph.D., Tulsa, to the Oklahoma Board of Licensed Alcohol and Drug Counselors, to serve a five year term ending July 1, 2017, succeeding Rhonda Cochran. (Health and Human Services Committee) Motion to confirm made by Senator Gary Stanislawski.

Batson, Robyn E., Broken Bow, to the Oklahoma Tourism and Recreation Commission, to serve an unexpired term ending July 1, 2016, succeeding Trae Gray. (Tourism and Wildlife Committee) Motion to confirm made by Senator Jerry Ellis.

Biard, William R., Claremore, to the Will Rogers Memorial Commission, to serve a six year term ending March 1 2017, succeeding Deacon Turner. (Tourism and Wildlife Committee) Motion to confirm made by Senator Sean Burrage.

Christensen, Kayli B., Oklahoma City, to the Organ Donor Education and Awareness Program Advisory Council, to serve an unexpired term ending November 1, 2014, succeeding Nick Atwood. (Health and Human Services Committee) Motion to confirm made by Senator Al McAffrey.

Clark, Montelle V., Tulsa, to the Air Quality Advisory Council, to serve a seven year term ending June 15, 2019, succeeding himself. (Energy Committee) Motion to confirm made by Senator Judy Eason McIntyre.

Hixon, Philip D., Owasso, to the Will Rogers Memorial Commission, to serve a six year term ending March 1, 2018, succeeding Paul Johnson. (Tourism and Wildlife Committee) Motion to confirm made by Senator Sean Burrage.

Nuttle, Marc, Norman, to the Council of Bond Oversight, to serve an unexpired term ending September 26, 2012, succeeding Cliff Elliott. (Finance Committee) Motion to confirm made by Senator Jonathan Nichols.

Nuttle, R. Marc, Norman, to the Council of Bond Oversight, to serve a two year term ending September 26, 2014, succeeding himself. (Finance Committee) Motion to confirm made by Senator Jonathan Nichols.

Roberts, Loretta K., Broken Arrow, to the Board of Dentistry, to serve a three year term ending July 1, 2015, succeeding David Newsome. (Health and Human Services Committee) Motion to confirm made by Senator Bill Brown.

Spanbauer, Pamela G., Oklahoma City, to the Physician Manpower Training Commission, to serve a five year term ending June 5, 2016, succeeding Mike Brown. (Health and Human Services Committee) Motion to confirm made by Senator Greg Treat.

Spoon, James O., Sand Springs, to the Board of Pharmacy, to serve a five year term ending June 30, 2017, succeeding Bill Osborn. (Health and Human Services Committee) Motion to confirm made by Senator Dan Newberry.

Spradling, Michael L., Sand Springs, to the State Banking Board, to serve a six year term ending June 1, 2018, succeeding Bob Weaver. (Finance Committee) Motion to confirm made by Senator Dan Newberry.

Starkey, Timothy E., Alva, to the State Board of Health, to serve a nine year term ending June 30, 2021, succeeding Alfred Baldwin, Jr.. (Health and Human Services Committee) Motion to confirm made by Senator Bryce Marlatt.

Subera, Layne E., Skiatook, to the Physician Manpower Training Commission, to serve an unexpired term ending June 5, 2015, succeeding Duane Koehler. (Health and Human Services Committee) Motion to confirm made by Senator Eddie Fields.

Motions to confirm the above-named executive nominations were declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, 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, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--42.

Excused: Anderson, Bass, Bingman, Mazzei, Russell and Wilson.--6.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1969** was adopted upon motion of Senator Jolley.

Senator Mazzei asked to coauthor **SB 1969**, which was the order.

SB 1969 was read at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Laster, Lerblance, Mazzei, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Wyrick.--35.

Nay: Allen, Eason McIntyre, Garrison, Ivester, Johnson (C), Marlatt, McAffrey, Treat and Wilson.--9.

Excused: Anderson, Bass, Bingman and Russell.--4.

The bill and emergency passed.

SB 1969, together with the joint committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1971** was adopted upon motion of Senator Jolley.

SB 1971 was read at length.

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

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

Excused: Anderson, Bass, Bingman, Eason McIntyre, Mazzei and Russell.--6.

The bill and emergency passed.

SB 1971, together with the joint committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1991** was adopted upon motion of Senator Jolley.

SB 1991 was read at length.

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

Aye: Adelson, Aldridge, Allen, Ballenger, Barrington, 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, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Anderson, Bass, Bingman, Mazzei, McAffrey and Russell.--6.

The bill and emergency passed.

SB 1991, together with the joint committee report thereon, was ordered transmitted to the Honorable House.

MESSAGES FROM THE HOUSE

Advising further conference granted and naming same House conferees on Engrossed:

SB 447 - Conference Committee on Public Safety, Judiciary and Military Affairs
SB 1067 - Conference Committee on Public Safety, Judiciary and Military Affairs

Returning following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

SB 456
SB 1235

The above-numbered measures, as amended in conference, were referred for enrollment.

Advising the signing of and returning Enrolled **SCR 41**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SB 1743**.

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

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 2522 - coauthored by Roberts (Sean) and Cooksey of the House
HB 2576

Conference committee reports were read on the above-numbered bills.

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 Marlatt presiding.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2563** was adopted upon motion of Senator Brecheen.

HB 2563, 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, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Laster, Marlatt, Mazzei, Newberry, Nichols, Paddock, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--35.

Nay: Ellis, Garrison, Lerblance, McAffrey and Wilson.--5.

Excused: Bingman, Burrage, Childers, Eason McIntyre, Johnson (C), Jolley, Russell and Shortey.--8.

The bill passed.

HB 2563, together with the conference committee report thereon, was ordered returned to the Honorable House.

INTRODUCTION

Senator Anderson introduced his daughter, Lauren, and her friends Olivia and Karsen, to the Senate. Senator Schulz asked unanimous consent, which was granted, that Lauren, Olivia and Karsen be named Honorary Pages for this legislative day.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1889** was adopted upon motion of Senator Brecheen.

Senator Marlatt asked to coauthor **SB 1889**, which was the order.

SB 1889, 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, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Bingman, Burrage, Eason McIntyre, Johnson (C), Jolley, Mazzei, Russell and Shortey.--8.

The bill passed.

SB 1889, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1159** was adopted upon motion of Senator Adelson.

SB 1159, as amended in conference, was read 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, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Bingman, Burrage, Eason McIntyre, Johnson (C), Jolley, Nichols, Russell and Shortey.--8.

The bill and emergency passed.

SB 1159, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2582** was adopted upon motion of Senator Adelson.

Senators Garrison, Paddack and Ballenger and Representative Sherrer asked to coauthor **HB 2582**, which was the order.

HB 2582, 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, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Bingman, Burrage, Eason McIntyre, Johnson (C), Jolley, Mazzei, Russell and Shortey.--8.

The bill passed.

HB 2582, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2646** was adopted upon motion of Senator Holt.

HB 2646, 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, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (R), Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--38.

Excused: Bingman, Burrage, Eason McIntyre, Halligan, Johnson (C), Jolley, Mazzei, Nichols, Russell and Shortey.--10.

The bill passed.

HB 2646, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1355** was adopted upon motion of Senator Holt.

SB 1355, 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, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--39.

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

Excused: Bingman, Burrage, Laster, Russell and Shortey.--5.

The bill passed.

SB 1355, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

Senator Sykes presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2683** was adopted upon motion of Senator Fields.

HB 2683, 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, 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, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bingman, Burrage, Jolley, Mazzei, Russell and Shortey.--6.

The bill passed.

HB 2683, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2787** was adopted upon motion of Senator Fields.

HB 2787, 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, 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, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Burrage, Jolley, Mazzei, Russell and Shortey.--5.

The bill passed.

HB 2787, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Schulz moved that the Senate recess to the call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator David presiding.

Senator David 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 1816 – remove GCCA and add Stanislawski, Jolley, Halligan, Justice, Burrage and Ballenger.

HB 3038 – remove GCCA and add Jolley, Bingman, Schulz, Johnson (Rob), Wilson and Burrage.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 397** was adopted upon motion of Senator Stanislawski.

SB 397, as amended in conference, was read 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, 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, McAffrey, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Marlatt, Mazzei and Russell.--4.

The bill and emergency passed.

SB 397, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1618** was adopted upon motion of Senator Stanislawski.

SB 1618, 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, 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, McAffrey, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Bingman, Marlatt, Mazzei, Russell and Shortey.--5.

The bill passed.

SB 1618, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

Senator Stanislawski presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1314** was adopted upon motion of Senator Crain.

SB 1314, 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, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, McAffrey, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Marlatt, Mazzei, Newberry, Russell and Shortey.--5.

The bill passed.

SB 1314, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

GENERAL ORDER

HJR 1109 by Ownbey of the House and Jolley of the Senate was called up for consideration.

Senator David moved that **HJR 1109** be advanced, which motion was declared adopted.

THIRD READING

HJR 1109 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Laster, Lerblance, Marlatt, McAffrey, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--40.

Nay: Sykes.--1.

Excused: Bingman, Johnson (C), Justice, Mazzei, Newberry, Russell and Shortey.--7.

The bill passed.

HJR 1109 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HJR 1118 by Faught of the House and David of the Senate was called up for consideration.

Senator David moved that **HJR 1118** be advanced, which motion was declared adopted.

THIRD READING

HJR 1118 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, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Laster,

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

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

Excused: Bingman, Jolley, Justice, Mazzei and Russell.--5.

The bill passed.

HJR 1118 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1716** was adopted upon motion of Senator Sparks.

Senator Garrison asked to coauthor **SB 1716**, which was the order.

SB 1716, as amended in conference, was read 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, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Laster, Lerblance, Mazzei, McAffrey, Newberry, Nichols, Paddack, Schulz, Shortey, Sparks, Stanislawski, Sykes, Treat and Wyrick.--41.

Nay: Simpson.--1.

Excused: Bingman, Jolley, Justice, Marlatt, Russell and Wilson.--6.

The bill and emergency passed.

SB 1716, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1728** was adopted upon motion of Senator Newberry.

SB 1728, as amended in conference, was read 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Laster, Lerblance, Marlatt, Mazzei, Newberry, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--42.

Nay: Johnson (C), McAffrey and Wilson.--3.

Excused: Justice, Nichols and Russell.--3.

The bill and emergency passed.

SB 1728, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1868** was adopted upon motion of Senator Newberry.

SB 1868, as amended in conference, was read at length.

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

Aye: Allen, Ballenger, Barrington, Bass, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Schulz, Sparks, Stanislawski, Treat, Wilson and Wyrick.--36.

Nay: Adelson, Anderson, Branan, Brecheen, Ellis, Shortey, Simpson and Sykes.--8.

Excused: Aldridge, Bingman, Mazzei and Russell.--4.

The bill passed.

The Chair advised that Senator Mazzei, having been present in the Chamber during the vote on **SB 1868** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 36; Nay: 9; Excused: 3.

SB 1868, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3134** was adopted upon motion of Senator Treat.

HB 3134, as amended in conference, was read 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--45.

Excused: Johnson (R), Russell and Wyrick.--3.

The bill and emergency passed.

HB 3134, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2392** was adopted upon motion of Senator Mazzei.

HB 2392, 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, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Johnson (R) and Russell.--2.

The bill passed.

HB 2392, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1985** was adopted upon motion of Senator Burrage.

HB 1985, 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, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--47.

Excused: Russell.--1.

The bill passed.

HB 1985, together with the conference committee report thereon, was ordered returned to the Honorable House.

GENERAL ORDER

HJR 1097 by Cox of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved that **HJR 1097** be advanced, which motion was declared adopted.

THIRD READING

HJR 1097 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brecheen, Burrage, 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, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--39.

Nay: Allen, Bass, Brinkley, Brown, Childers, Mazzei, Shortey and Sykes.--8.

Excused: Russell.--1.

The bill passed.

HJR 1097 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2647** was adopted upon motion of Senator Jolley.

HB 2647, 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, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--47.

Excused: Russell.--1.

The bill passed.

HB 2647, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1890** was adopted upon motion of Senator Bass.

SB 1890, as amended in conference, was read 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, 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, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--47.

Excused: Russell.--1.

The bill and emergency passed.

SB 1890, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1434** was adopted upon motion of Senator Bingman.

SB 1434, 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, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--47.

Excused: Russell.--1.

The bill passed.

SB 1434, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1520** was adopted upon motion of Senator Bingman.

SB 1520, 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, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--47.

Excused: Russell.--1.

The bill passed.

SB 1520, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2198** was adopted upon motion of Senator Wyrick.

HB 2198, 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, McAffrey, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Eason McIntyre, Mazzei, Newberry, Russell and Shortey.--5.

The bill passed.

HB 2198, together with the conference committee report thereon, was ordered returned to the Honorable House.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 671 (2ND CCR), remove Grau and substitute Hickman as principal House author and remove Jolley and substitute Newberry as principal Senate author, and coauthored by Jolley

SB 1067 (2ND CCR)

SB 1242

SB 1280

SB 1419

SB 1616

SB 1816

SB 1820

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **SB 1067** was adopted upon motion of Senator Barrington.

SB 1067, 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, 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, Stanislawski, Sykes, Treat, and Wilson.--45.

Nay: Wyrick.--1.

Excused: Newberry and Russell.--2.

The bill passed.

SB 1067, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1989** was adopted upon motion of Senator Bingman.

SB 1989 was read at length.

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

Aye: Adelson, Ballenger, Bass, Bingman, Branan, Burrage, Coates, Crain, Eason McIntyre, Ellis, Garrison, Holt, Ivester, Johnson (C), Johnson (R), Laster, Lerblance, Marlatt, McAffrey, Nichols, Paddack, Sparks, Stanislawski, Wilson and Wyrick.--25.

Nay: Aldridge, Allen, Anderson, Barrington, Brecheen, Brinkley, Brown, Childers, David, Fields, Ford, Griffin, Halligan, Jolley, Justice, Mazzei, Schulz, Shortey, Simpson, Sykes and Treat.--21.

Excused: Newberry and Russell.--2.

The bill passed.

The Chair advised that Senator Newberry, having been present in the Chamber during the vote on **SB 1989** would be shown voting Nay in compliance with Rule 15-1B. The vote thereby resulted as follows: Aye: 25; Nay: 22; Excused: 1.

SB 1989, together with the joint committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1990** was adopted upon motion of Senator Bingman.

SB 1990 was read at length.

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

Aye: Adelson, Ballenger, Bass, Bingman, Branan, Burrage, Childers, Coates, Crain, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Johnson (R), Laster, Lerblance, Marlatt, McAffrey, Nichols, Paddack, Sparks, Wilson and Wyrick.--24.

Nay: Aldridge, Allen, Anderson, Barrington, Brecheen, Brinkley, Brown, David, Fields, Ford, Griffin, Halligan, Jolley, Justice, Mazzei, Newberry, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--22.

Excused: Russell.--1.

*Not voting: Holt.--1.

The bill failed.

*Senator Holt asked to be shown not voting on **SB 1990** for reason of personal interest, as provided in Ethics Commission Rule Section 257:20-1-7(a), under the authority of Oklahoma Constitution Article 29, Section 3(B).

ELECTRONIC DISTRIBUTION

Pursuant to the provisions of Senate Rule 5-6, copies of the Conference Committee Substitute for **SB 1816** and **HBs 3053** and **3079** have been made available electronically, via e-mail to all Senators and Executive Assistants.

MESSAGES FROM THE HOUSE

Advising rejection of **CCRs** to the following bills, requesting further conference and naming same House conferees as follows:

SB 1451 - Conference Committee on General Government and Transportation

HB 2300 - Conference Committee on Health and Human Services

HB 3133 - Conference Committee on Health and Human Services

HB 3135 - Conference Committee on Health and Human Services

Advising rejection of **CCR** to the following bill, requesting further conference and naming same House conferees as follows:

HB 3136 - Conference Committee on Health and Human Services

Returning following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measure as amended:

SB 1159

SB 1887 - (2ND CCR)

The above-numbered measures, as amended in conference, were referred for enrollment.

MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORTS

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 2242

HB 2288

HB 2330

HB 3108 - coauthored by all other members of the House

HB 2714

HB 3053

HB 3056 - coauthored by Shelton, Walker, Hoskin, Sherrer, Cannaday and Nollan of the House

HB 3058 - coauthored by Condit and Hoskin of the House

HB 3079 - (Emergency Failed)

Conference committee reports were read on the above-numbered bills.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 3149, 3150, 3151, 3152, 3157, 3159** and **3160**.

HB 3149 – By Sears and Martin (Scott) of the House and Jolley and Justice of the Senate.

An Act relating to the Oklahoma Health Care Authority; authorizing transfers of certain funds; providing procedures; requiring recordkeeping; authorizing certain requests relating to early transfers; and authorizing Authority to pay professional expenses of Administrator and full-time physicians employed by the Authority.

HB 3150 – By Sears and Martin (Scott) of the House and Jolley and Justice of the Senate.

An Act relating to the Department of Mental Health and Substance Abuse Services; identifying funds; requiring budgeting and expenditure for certain services; requiring

memorandum of understanding; stating requirements of memorandum; providing for review and approval of memorandum; and declaring an emergency.

HB 3151 – By Sears and Martin (Scott) of the House and Jolley and Justice of the Senate.

An Act relating to the State Department of Health; and requiring certain funds be used for certain purpose.

HB 3152 – By Sears and Martin (Scott) of the House and Jolley and Justice of the Senate.

An Act relating to state government; amending 74 O.S. 2011, Section 150.6a, which relates to the annual salaries of employees of the Oklahoma State Bureau of Investigation; deleting obsolete language; deleting reference to salary of the Director; authorizing the Director of the Oklahoma State Bureau of Investigation to modify salaries of certain employees; amending 74 O.S. 2011, Section 3601.2, which relates to chief executive officer salaries; and updating year.

HB 3157 – By Sears and Martin (Scott) of the House and Jolley and Justice of the Senate.

An Act relating to the Supreme Court; authorizing transfer from the State Judicial Revolving Fund to the Supreme Court Administrative Revolving Fund; stating amount of transfer; requiring approval of the Chief Justice; stating purpose; and providing an effective date.

HB 3159 – By Sears and Martin (Scott) of the House and Jolley and Justice of the Senate.

An Act relating to the Department of Consumer Credit; amending 14A O.S. 2011, Section 6-303, which relates to fee apportionments; and modifying certain fee apportionments.

HB 3160 – By Sears and Martin (Scott) of the House and Jolley and Justice of the Senate.

An Act relating to the State Department of Rehabilitation Services; authorizing certain early transfers of certain funds for specific purposes; authorizing transfer of appropriated money in requested amounts and ratios; authorizing certain interyear transfers; requiring certain process and maintenance of records; providing an effective date; and declaring an emergency.

The above-numbered measures were read the first time.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 24, 2012, at 9:30 a.m., which motion prevailed.

COMMITTEE REPORT

The following was reported by the committee named, ordered printed and placed on the Calendar:

DO PASS, As Amended:

HJR 1132 – Business and Commerce

Ayes: Brinkley, Childers, Eason McIntyre, Halligan, Holt, Newberry

Pursuant to the Schulz motion, the Senate adjourned at 6:15 p.m. to meet Thursday, May 24, 2012, at 9:30 a.m.