

# Senate Journal

## Second Regular Session of the Fifty-third Legislature

### of the State of Oklahoma

#### Forty-eighth Legislative Day, Wednesday, May 2, 2012

The Senate was called to order by Senator Ford.

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, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—46.

Excused: Russell and Shortey.—2.

Senator Ford declared a quorum present.

The prayer was offered by Pastor Kim Swyden, Henderson Hills Baptist Church, Edmond, the guest of Senator Jolley.

#### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 448, 1075, 1170, 1218, 1506, 1796, 1797, 1798, 1863 and 1875** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 55** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

#### PENDING CONSIDERATION OF HAS

**HAs to SBs 243, 1327, 1328, 1336, 1434, 1464 and 1520** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1539** were concurred in upon motion of Senator Brecheen.

**SB 1539**, 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, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, 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, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Ballenger, Coates, Mazzei, Russell, Shortey and Sparks.--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 1095** were concurred in upon motion of Senator Laster.

**SB 1095**, 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, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, 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, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Ballenger, Coates, Mazzei, Russell and Shortey.--5.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1774** were concurred in upon motion of Senator Laster.

**SB 1774**, 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: Adelson, Barrington, Bass, Branan, Burrage, Eason McIntyre, Ellis, Ford, Garrison, Griffin, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Mazzei, McAffrey, Nichols, Paddack, Sparks, Stanislawski, Wilson and Wyrick.--25.

Nay: Aldridge, Allen, Anderson, Brecheen, Brinkley, Brown, Childers, Crain, David, Fields, Halligan, Marlatt, Newberry, Schulz, Simpson, Sykes and Treat.--17.

Excused: Ballenger, Bingman, Coates, Holt, Russell and Shortey.--6.

The bill and emergency passed.

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

**INTRODUCTION**

Senator Lerblance introduced his wife, Frances; and Senator Schulz introduced Lieutenant Governor Todd Lamb, to the Senate.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1096** were concurred in upon motion of Senator Bingman.

**SB 1096**, 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, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Ballenger, Coates, Mazzei, Nichols, Russell and Shortey.--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 1935** were concurred in upon motion of Senator Schulz.

**SB 1935**, 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: Adelson, Aldridge, Allen, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, 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, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Ballenger, Coates, Mazzei, Russell and Shortey.--5.

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 987** were concurred in upon motion of Senator Paddack.

Senators Ivester, Wyrick and Sparks asked to coauthor **SB 987**, which was the order.

**SB 987**, 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, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--40.

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

Excused: Ballenger, Coates, Mazzei, Russell and Shortey.--5.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1493** were concurred in upon motion of Senator Paddock.

**SB 1493**, 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: Adelson, Aldridge, Allen, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddock, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--42.

Excused: Ballenger, Coates, Mazzei, Russell, Shortey and Sykes.--6.

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 1537** were concurred in upon motion of Senator Paddock.

**SB 1537**, 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: Adelson, Aldridge, Allen, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddock, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--42.

Excused: Ballenger, Coates, Mazzei, Russell, Shortey and Sykes.--6.

The bill and emergency passed.

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

## **EXECUTIVE NOMINATIONS**

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

Baker, Randolph L., Norman, to the Forensic Review Board, to serve a five year term ending December 31, 2016, succeeding himself. (Public Safety Committee) Motion to confirm made by Senator Jonathan Nichols.

Boesch, Jason C., Edmond, to the Oklahoma State Credit Union Board, to serve an unexpired term ending October 11, 2013, succeeding Floyd Atha. (Business and Commerce Committee) Motion to confirm made by Senator Greg Treat.

Bryant, G. Keith, Oklahoma City, to the State Fire Marshal Commission, to serve a five year term ending July 1, 2016, succeeding himself. (General Government Committee) Motion to confirm made by Senator Gary Stanislawski on behalf of Senator Steve Russell.

Clay, Cecil W., Oklahoma City, to the State Fire Marshal Commission, to serve an unexpired term ending November 1, 2012, succeeding Harold Crews, Jr. (General Government Committee) Motion to confirm made by Senator Gary Stanislawski on behalf of Senator Anthony Sykes.

Clay, Cecil W., Oklahoma City, to the State Fire Marshal Commission, to serve a five year term ending November 1, 2017, succeeding himself. (General Government Committee) Motion to confirm made by Senator Gary Stanislawski on behalf of Senator Anthony Sykes.

Cowan, Jeffrey T., Ponca City, to the Board of Regents of the Northern Oklahoma College, to serve an unexpired term ending June 30, 2014, succeeding Jeff Smith. (Education Committee) Motion to confirm made by Senator Eddie Fields.

Elam, Joseph D., Jr., Edmond, to the State Fire Marshal Commission, to serve an unexpired term ending November 1, 2013, succeeding Michael Anderson. (General Government Committee) Motion to confirm made by Senator Clark Jolley.

Franklin, Jay R., Vinita, to the State Board of Agriculture, to serve a four year term ending April 26, 2016, succeeding David Holcombe. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Charles Wyrick.

Heard, Earl D. "Corky", III, Clinton, to the Oklahoma Abstractors Board, to serve an unexpired term ending July 1, 2014, succeeding Dennis Hall. (Business and Commerce Committee) Motion to confirm made by Senator Mike Schulz.

Hurliman, Edgar R., Broken Bow, to the State Board of Agriculture, to serve a four year term ending April 26, 2016, succeeding Don E. Britton. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Jerry Ellis.

McCasland, Thomas H., III, Duncan, to the Oklahoma Student Loan Authority, to serve a five year term ending April 6, 2016, succeeding John Greenfield. (Education Committee) Motion to confirm made by Senator Gary Stanislawski on behalf of Senator Anthony Sykes.

McKinley, Craig R., Stillwater, to the State Board of Registration for Foresters, to serve an unexpired term ending June 1, 2013, succeeding Charles Tauer. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Jim Halligan.

Miller, Edwin L., Stillwater, to the State Board of Registration for Foresters, to serve a five year term ending June 1, 2017, succeeding himself. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Jim Halligan.

Morgan, E. Anne, Norman, to the Oklahoma Department of Libraries Board, to serve an unexpired term ending July 1, 2014, succeeding Shelly Wilson. (General Government Committee) Motion to confirm made by Senator Jonathan Nichols.

Sheets, Randall E., Altus, to the Board of Regents of Western Oklahoma State College, to serve a seven year term ending March 24, 2019, succeeding himself. (Education Committee) Motion to confirm made by Senator Mike Schulz.

Thornbrugh, C. Michael, Broken Arrow, to the Oklahoma Centennial Botanical Garden Authority, to serve a five year term ending January 7, 2017, succeeding himself. (General Government Committee) Motion to confirm made by Senator Mike Mazzei.

Tiller, David H. M.D., Norman, to the Forensic Review Board, to serve a five year term ending December 31, 2016, succeeding Steve Norwood. (Public Safety Committee) Motion to confirm made by Senator Jonathan Nichols.

Trekell, Kirk A., Alva, to the State Fire Marshal Commission, to serve an unexpired term ending July 1, 2013, succeeding Thomas L. Baker. (General Government Committee) Motion to confirm made by Senator Bryce Marlatt.

White, James R., Oklahoma City, to the Board of Regents for Oklahoma City Community College, to serve a seven year term ending April 22, 2019, succeeding himself. (Education Committee) Motion to confirm made by Senator Gary Stanislawski on behalf of Senator Ralph Shortey.

Wilson, Eugenia A. "Gina", Jenks, to the Oklahoma State Credit Union Board, to serve an unexpired term ending October 11, 2011, succeeding Leslie W. Rector. (Business and Commerce Committee) Motion to confirm made by Senator Dan Newberry.

Wilson, Eugenia A. "Gina", Jenks, to the Oklahoma State Credit Union Board, to serve a four year term ending October 11, 2015, succeeding herself. (Business and Commerce Committee) Motion to confirm made by Senator Dan Newberry.

Winchester, Susan C., Chickasha, to the Regional University System of Oklahoma, to serve a nine year term ending June 10, 2020, succeeding Harold Jackson. (Education Committee) Motion to confirm made by Senator Ron Justice.

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

Aye: Adelson, Aldridge, Allen, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, 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.--41.

Excused: Ballenger, Childers, Coates, Mazzei, Russell, Shortey and Sykes.--7.

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

**HAs to SB 1366** were concurred in upon motion of Senator Ivester.

**SB 1366**, 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, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, 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.--41.

Excused: Ballenger, Childers, Coates, Mazzei, Russell, Shortey and Sykes.--7.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SBs 456, 1230, 1231, 1232, 1234, 1235, 1436, 1525, 1533 and 1535 and SJR 52** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1071** were concurred in upon motion of Senator David.

**SB 1071**, 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, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Paddack, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--36.

Nay: Anderson and Bass.--2.

Excused: Allen, Ballenger, Childers, Coates, Mazzei, Newberry, Nichols, Russell, Shortey and Sykes.--10.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1800** were concurred in upon motion of Senator David.

**SB 1800**, 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, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, 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.--41.

Excused: Ballenger, Burrage, Coates, Mazzei, Russell, Shortey and Sykes.--7.

The bill passed.

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

### **SCs NAMED**

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

- SB 243** – Branan, Johnson (Rob), Marlatt, Schulz, Ivester, Bass
- SB 1001** – Stanislawski, Brown, Anderson, Simpson, Burrage, Garrison
- SB 1067** – Barrington, Crain, Fields, Justice, Garrison, Ellis
- SB 1159** – GCCA
- SB 1398** – GCCA
- SB 1406** – Paddack, Sykes, Russell, Burrage, Brinkley, Anderson
- SB 1588** – Barrington, Brown, Anderson, Childers, Ballenger, Garrison
- SB 1816** – GCCA
- HB 1464** – GCCA
- HB 1814** – GCCA
- HB 1985** – GCCA
- HB 2390** – GCCA
- HB 2563** – GCCA
- HB 2616** – GCCA
- HB 2659** – Newberry, Treat, Brinkley, Stanislawski, Burrage, Eason McIntyre
- HB 2683** – Fields, Barrington, Brinkley, Garrison, David, Paddack
- HB 2689** – GCCA
- HB 2736** – Brinkley, Crain, Griffin, Treat, Burrage, Johnson (Constance)
- HB 2751** – GCCA
- HB 2787** – Fields, Sykes, Crain, Burrage, Ivester, Anderson
- HB 2921** – Brecheen, Fields, Ellis, Sykes, Allen, Ivester
- HB 2978** – GCCA
- HB 3038** – GCCA
- HB 3049** – Griffin, Barrington, Marlatt, Brinkley, Eason McIntyre, Childers, Paddack

### **MESSAGES FROM THE HOUSE**

Advising the signing of and transmitting for signature Enrolled **HCR 1031**.

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

Advising passage of and transmitting for consideration Engrossed **HJR 1121**.

**HJR 1121** – By Jordan of the House and Newberry of the Senate.

A Joint Resolution approving permanent rules of the Oklahoma Uniform Building Code Commission; and directing distribution.

The above-numbered measure was read the first time.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2419, 2566, 2573, 2841 and 2928**.

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

Advising fourth reading of and returning Enrolled **SBs 448, 1075, 1170, 1218, 1506, 1796, 1797, 1798, 1863 and 1875**.

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

Advising rejection of **SAs** to the following bills, requesting conference and naming House Conference Committee as follows:

- HB 1058** - Conference Committee on Government Modernization and Rules
- HB 1222** - Conference Committee on General Government and Transportation
- HB 2198** - Conference Committee on Natural Resources
- HB 2248** - General Conference Committee on Appropriations
- HB 2249** - General Conference Committee on Appropriations
- HB 2306** - Conference Committee on Education
- HB 2367** - Conference Committee on Public Safety, Judiciary and Military Affairs
- HB 2373** - Conference Committee on General Government and Transportation
- HB 2440** - Conference Committee on Redistricting
- HB 2510** - General Conference Committee on Appropriations
- HB 2535** - Conference Committee on Public Safety, Judiciary and Military Affairs
- HB 2579** - Conference Committee on Natural Resources
- HB 2582** - Conference Committee on Health and Human Services
- HB 2605** - Conference Committee on Government Modernization and Rules
- HB 2652** - General Conference Committee on Appropriations
- HB 2676** - Conference Committee on Education
- HB 2714** - Conference Committee on Government Modernization and Rules
- HB 2836** - Conference Committee on Natural Resources
- HB 2929** - Conference Committee on Natural Resources
- HB 2939** - Conference Committee on Government Modernization and Rules
- HB 2959** - Conference Committee on Public Safety, Judiciary and Military Affairs

**HB 3056** - General Conference Committee on Appropriations  
**HB 3058** - General Conference Committee on Appropriations  
**HB 3061** - General Conference Committee on Appropriations  
**HB 3090** - General Conference Committee on Appropriations  
**HB 3130** - General Conference Committee on Appropriations  
**HB 3133** - Conference Committee on Health and Human Services  
**HB 3134** - Conference Committee on Health and Human Services  
**HB 3135** - Conference Committee on Health and Human Services  
**HB 3136** - Conference Committee on Health and Human Services  
**HB 3137** - Conference Committee on Health and Human Services  
**HJR 1001** - Conference Committee on Government Modernization and Rules  
**HJR 1092** - Conference Committee on Government Modernization and Rules

Advising concurrence in **SAs** to and passage of Engrossed **HBs 2204, 2374, 2561, 2710, 2835, 2941** and **3052**.

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

**SB 243** - Conference Committee on Natural Resources

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 3, 2012, at 9:30 a.m., which motion prevailed.

## **FIRST READING**

The following was introduced and read the first time:

**SCR 39** – By Coates.

A concurrent resolution authorizing the Board of Regents of Seminole State College to issue certain revenue bonds pursuant to Sections 4001 through 4018 of Title 70 of the Oklahoma Statutes; and directing distribution.

Pursuant to the Schulz motion, the Senate adjourned at 3:20 p.m. to meet Thursday, May 3, 2012, at 9:30 a.m.