

# Senate Journal

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

Forty-ninth Legislative Day, Thursday, May 3, 2012

The Senate was called to order by Senator David.

Roll Call:

Present: Adelson, Allen, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—40.

Excused: Aldridge, Ballenger, Brown, Coates, Laster, Marlatt, Mazzei and Shortey.—8.

Senator David 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

**SB 987, 1071, 1095, 1096, 1366, 1493, 1537, 1539, 1665, 1774, 1800 and 1935** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### PENDING CONSIDERATION OF HAS

**HAs to SB 1439** were concurred in upon motion of Senator Nichols.

**SB 1439**, 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, Allen, Anderson, Barrington, Bass, Branan, Brecheen, Brinkley, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--37.

Excused: Aldridge, Ballenger, Bingman, Brown, Coates, Ivester, Laster, Lerblance, Marlatt, Mazzei and Shortey.--11.

The bill and emergency passed.

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

### **ELECTRONIC DISTRIBUTION**

Senator Schulz notified the members of the Senate that, pursuant to the provisions of Senate Rule 5-6, copies of the Conference Committee Substitute for **SB 243** has been made available electronically, via e-mail to all Senators and Executive assistants.

### **PENDING CONSIDERATION OF HAS**

**HAs to SBs 1055, 1320, 1397, 1451, 1716, 1743 and 1887** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

### **PENDING CONSIDERATION OF HAS**

**HAs to SB 1182** were concurred in upon motion of Senator Anderson.

Representatives Cockroft and Roberts (Dustin) asked to coauthor **SB 1182**, which was the order.

**SB 1182**, 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, Allen, Anderson, Barrington, Bass, Branan, Brecheen, Brinkley, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--37.

Excused: Aldridge, Ballenger, Bingman, Brown, Coates, Ivester, Laster, Lerblance, Marlatt, Mazzei and Shortey.--11.

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 46** were concurred in upon motion of Senator Barrington.

Senators Simpson and Johnson (Constance) asked to coauthor **SB 46**, which was the order.

**SB 46**, 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, Barrington, Bass, Branan, Brecheen, Brinkley, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--37.

Excused: Aldridge, Ballenger, Bingman, Brown, Coates, Ivester, Laster, Lerblance, Marlatt, Mazzei and Shortey.--11.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1443** were concurred in upon motion of Senator Ford.

**SB 1443**, 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, Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan,

Holt, Johnson (C), Johnson (R), Jolley, Justice, McAffrey, Newberry, Nichols, Russell, Schulz, Simpson, Stanislawski, Sykes and Treat.--32.

Nay: Bass, Burrage, Paddack, Sparks, Wilson and Wyrick.--6.

Excused: Aldridge, Ballenger, Brown, Coates, Ivester, Laster, Lerblance, Marlatt, Mazzei and Shortey.--10.

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 1565** were concurred in upon motion of Senator Paddack.

**SB 1565**, 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, Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--36.

Excused: Aldridge, Ballenger, Bass, Brown, Coates, Ivester, Laster, Lerblance, Marlatt, Mazzei, Shortey and Wyrick.--12.

The bill and emergency passed.

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

#### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to refer **HCR 1019** direct to the Calendar for consideration, which was the order.

#### **GENERAL ORDER**

**HCR 1019** by Cox and Walker of the House and Jolley of the Senate was called up for consideration.

**HCR 1019** was adopted upon motion of Senator Jolley, properly signed and ordered returned to the Honorable House.

**SCs NAMED**

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

- SB 194** – Anderson, Brown, Griffin, Fields, Bass, Garrison
- SB 201** – GCCA
- SB 456** – GCCA
- SB 1192** – Schulz, Branan, Marlatt, Crain, Ivester, Burrage
- SB 1230** – GCCA
- SB 1231** – GCCA
- SB 1232** – GCCA
- SB 1234** – GCCA
- SB 1235** – GCCA
- SB 1327** – Crain, Branan, Marlatt, Schulz, Burrage, Paddack
- SB 1328** – Crain, Branan, Marlatt, Schulz, Burrage, Paddack
- SB 1336** – GCCA
- SB 1355** – Holt, Sykes, Brinkley, Treat, Burrage, Ivester
- SB 1434** – GCCA
- SB 1436** – GCCA
- SB 1464** – GCCA
- SB 1520** – Bingman, Sykes, Johnson (Rob), Nichols, Burrage, Sparks
- SB 1525** – GCCA
- SB 1533** – GCCA
- SB 1535** – GCCA
- SB 1820** – GCCA
- SB 1887** – Russell, Sykes, Simpson, Treat, Ivester, Laster
- SB 1943** – Anderson, Barrington, Fields, Crain, Bass, Ballenger
- SJR 52** – 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 1222** – Sykes, Stanislawski, Simpson, Brecheen, Ellis, Laster
- HB 1979** – Eason McIntyre, Coates, Allen, Wilson, Childers, Crain
- HB 2198** – GCCA
- HB 2248** – GCCA

- HB 2249** – GCCA
- HB 2288** – Sparks, Brown, Ford, Ballenger, Justice, Stanislawski
- HB 2306** – Halligan, Ford, Barrington, Crain, Garrison, Paddack
- HB 2319** – Anderson, Brown, Mazzei, Aldridge, Adelson, Paddack
- HB 2320** – Anderson, Brown, Mazzei, Aldridge, Adelson, Paddack
- HB 2367** – Sykes, Barrington, Mazzei, David, Burrage, Ivester
- HB 2391** – GCCA
- HB 2469** – GCCA
- HB 2494** – Halligan, Ford, Barrington, Crain, Garrison, Paddack
- HB 2510** – GCCA
- HB 2520** – GCCA
- HB 2522** – Treat, Barrington, Sykes, Russell, Burrage, Garrison
- HB 2684** – GCCA
- HB 2790** – Ford, Halligan, Fields, Griffin, Ivester, Ellis
- HB 2929** – Marlatt, Branam, Crain, Schulz, Burrage, Paddack

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

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

- HB 2075** – Brown, Brecheen, Aldridge, Stanislawski, Bass, Sparks

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

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

- HB 1361** – Johnson (Rob), Sykes, Mazzei, Brinkley, Laster, Burrage

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

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

- HB 2286** – Russell, Sykes, Simpson, Treat, Ivester, Laster
- HB 2607** – Schulz, Coates, Marlatt, Ivester, Garrison, Anderson
- HB 2646** – Holt, Aldridge, Griffin, Brinkley, Bass, McAffrey

## **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 2204, 2374, 2561, 2654, 2710, 2835, 2941** and **3052**.

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 987, 1071, 1095, 1096, 1366, 1493, 1537, 1539, 1665, 1774, 1800** and **1935**.

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 2247** - Conference Committee on Government Modernization and Rules
- HB 2396** - Conference Committee on Public Safety, Judiciary and Military Affairs
- HB 2653** - General Conference Committee on Appropriations
- HB 2746** - Conference Committee on Insurance and Economic Development
- HB 3119** - Conference Committee on Education

Advising concurrence in **SAs** to and passage of Engrossed **HBs 2236** and **2578**.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, May 7, 2012, at 1:30 p.m., which motion prevailed.

## **CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 243** (2nd CCR)

## **COMMITTEE REPORTS**

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

## DO PASS:

**SJR 91** – Energy, coauthored by Fields of the Senate

Ayes: Adelson, Allen, Branan, Burrage, Fields, Griffin, Ivester, Johnson (Rob), Jolley, Lerblance, Paddack, Simpson

**HJR 1110** – Energy

Ayes: Adelson, Allen, Branan, Burrage, Fields, Griffin, Ivester, Johnson (Rob), Jolley, Lerblance, Paddack, Simpson

## FAILED:

**HJR 1119** – Energy

Ayes: Branan, Fields, Griffin, Johnson (Rob), Jolley, Simpson

Nays: Adelson, Allen, Burrage, Ivester, Lerblance, Paddack”

**FIRST READING**

The following were introduced and read the first time:

**SB 1960** – By Jolley and Justice of the Senate and Sears and Martin (Scott) of the House.

An Act relating to the Corporation Commission; setting certain budget limits; providing an effective date; and declaring an emergency.

**SCR 40** – By Eason McIntyre of the Senate and Hardin of the House.

A Concurrent Resolution educating our legislators and bringing support and awareness to the State of Oklahoma by designating May 15, 2012, as "Breast Cancer Awareness Day" in the State of Oklahoma.

**SR 56** – By Justice.

A Resolution commending the life and accomplishments of Oklahoma children's author Bill Wallace; extending condolences to the Wallace family; and directing distribution.

**MESSAGE FROM THE GOVERNOR**

Advising her approval May 3, 2012, of Enrolled **SB 1875**.

Pursuant to the Schulz motion, the Senate adjourned at 10:35 a.m. to meet Monday, May 7, 2012, at 1:30 p.m.