

Senate Journal

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Fifty-second Legislative Day, Wednesday, May 9, 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, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—47.

Excused: Laster.—1.

Senator Ford declared a quorum present.

The prayer was offered by Dr. George E. Young, Holy Temple Baptist Church, Oklahoma City, the guest of Senator Johnson (Constance).

REPORT OF ENGROSSED AND ENROLLED MEASURES

SJR 91 and **SCR 38** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 1111, 1199, 1246, 1412, 1471, 1474, 1497, 1905 and **1951** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCRs 1038 and 1040**.

HCR 1038 – By Fourkiller, Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Enns, Farley, Faught, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams and Wright of the House and Jolley of the Senate.

A Concurrent Resolution designating May 6-12, 2012, as Nurses Week at the State Capitol; urging citizens to honor registered nurses; and directing distribution.

HCR 1040 – By Denney of the House and Halligan of the Senate.

A Concurrent Resolution congratulating the President and Congress on foresight in passing the Morrill Act of 1862; honoring them and renewing commitment to accessible higher education and the support of learning; and directing distribution.

The above-numbered measures were read the first time.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2250, 2511 and 2524**.

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 1111, 1199, 1246, 1412, 1471, 1474, 1497, 1905 and 1951**.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1401 were concurred in upon motion of Senator Brinkley.

SB 1401, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Stanislawski, Treat, Wilson and Wyrick.--40.

Excused: Coates, Johnson (C), Johnson (R), Jolley, Laster, Newberry, Sparks and Sykes.--8.

The bill passed.

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

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Justice asked unanimous consent to refer **SR 56** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 56 by Justice was called up for consideration.

All other members of the Senate asked to coauthor **SR 56**, which was the order.

SR 56 was adopted upon motion of Senator Justice and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1449** were concurred in upon motion of Senator Brinkley.

SB 1449, 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, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bingman, Coates, Johnson (R), Laster, Mazzei 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 1760 were concurred in upon motion of Senator Sykes.

Senators Brecheen, Marlatt, Stanislawski, Newberry, Brinkley, Branan, Holt, Brown, Barrington, Halligan, Griffin, Johnson (Rob), Treat, Sparks and Crain asked to coauthor **SB 1760**, which was the order.

SB 1760, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Nay: Johnson (C).--1.

Excused: Coates, Johnson (R) and Laster.--3.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1690 were concurred in upon motion of Senator Sykes.

Senators Shortey and Garrison asked to coauthor **SB 1690**, which was the order.

SB 1690, 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, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Coates, Johnson (R) and Laster.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1701 were concurred in upon motion of Senator Sykes.

Senator Johnson (Constance) asked to coauthor **SB 1701**, which was the order.

SB 1701, 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, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Coates, Laster and Mazzei.--4.

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 SBs 1040, 1264, 1272, 1309, 1618, 1644, 1728, 1868, 1889 and 1953 were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to **SB 397** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HJR 1110 by Armes of the House and Treat of the Senate was called up for consideration.

Senator Shortey asked to coauthor **HJR 1110**, which was the order.

Senator Treat moved that **HJR 1110** be advanced, which motion was declared adopted.

THIRD READING

HJR 1110 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 (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Nay: Shortey.--1.

Excused: Bingman, Laster and Mazzei.--3.

The bill passed.

HJR 1110 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SB 1189** were concurred in upon motion of Senator Marlatt.

SB 1189, 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, 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, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Laster, Mazzei and Nichols.--4.

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 1551 were concurred in upon motion of Senator Shortey.

SB 1551, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Anderson, Barrington, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--29.

Nay: Adelson, Allen, Ballenger, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Lerblance, McAffrey, Paddack, Sparks, Wilson and Wyrick.--16.

Excused: Bingman, Laster and Mazzei.--3.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1554 were concurred in upon motion of Senator Shortey.

SB 1554, 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, 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, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Laster, Mazzei and Nichols.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1678 were concurred in upon motion of Senator Schulz.

SB 1678, 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, 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, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Laster, Mazzei and Shortey.--4.

The bill passed.

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

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 2300 – Crain, Sykes, Anderson, Brinkley, Burrage, Wilson

HB 2605 – Marlatt, Aldridge, Brinkley, Treat, Ballenger, Lerblance

**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 2230

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

MESSAGE FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HB 1952**.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 10, 2012, at 9:30 a.m., which motion prevailed.

SECOND READING

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

HJR 1126 – Public Safety

HJR 1127 – Business and Commerce

SB 1960 – Joint Committee on Appropriations and Budget

SB 1961 – Joint Committee on Appropriations and Budget

SB 1962 – Joint Committee on Appropriations and Budget

SB 1963 – Joint Committee on Appropriations and Budget

SB 1964 – Joint Committee on Appropriations and Budget

SB 1965 – Joint Committee on Appropriations and Budget

SB 1966 – Joint Committee on Appropriations and Budget

SB 1967 – Joint Committee on Appropriations and Budget

SB 1968 – Joint Committee on Appropriations and Budget

SB 1969 – Joint Committee on Appropriations and Budget

SB 1970 – Joint Committee on Appropriations and Budget

SB 1971 – Joint Committee on Appropriations and Budget

SB 1972 – Joint Committee on Appropriations and Budget

SB 1973 – Joint Committee on Appropriations and Budget

SB 1974 – Joint Committee on Appropriations and Budget

SB 1975 – Joint Committee on Appropriations and Budget

SB 1976 – Joint Committee on Appropriations and Budget

SB 1977 – Joint Committee on Appropriations and Budget

SB 1978 – Joint Committee on Appropriations and Budget

SB 1979 – Joint Committee on Appropriations and Budget
SB 1980 – Joint Committee on Appropriations and Budget
SB 1981 – Joint Committee on Appropriations and Budget
SB 1982 – Joint Committee on Appropriations and Budget
SB 1983 – Joint Committee on Appropriations and Budget
SB 1984 – Joint Committee on Appropriations and Budget
SB 1985 – Joint Committee on Appropriations and Budget
SB 1986 – Joint Committee on Appropriations and Budget
SB 1987 – Joint Committee on Appropriations and Budget

MESSAGE FROM THE GOVERNOR

Advising her approval May 9, 2012, of Enrolled **SBs 243** and **1465**.

Pursuant to the Schulz motion, the Senate adjourned at 3:05 p.m. to meet Thursday, May 10, 2012, at 9:30 a.m.

JOURNAL CORRECTION

Page 943, Line 1, insert:

“COMMITTEE REPORT

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

FAILED:

HJR 1108 – Agriculture and Rural Development
Ayes: Barrington, Fields, Justice, Simpson
Nays: Allen, Bass, Ellis, Ivester, Sykes, Wyrick”