

# Senate Journal

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

Thirty-fourth Legislative Day, Wednesday, April 4, 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, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—45.

Excused: Laster and Simpson.—2.

Vacancy: District 20. – 1.

Senator Marlatt declared a quorum present.

The prayer was offered by Reverend Michelle K.T. Moulden, Vernon AME Church, Tulsa, the guest of Senator Crain.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1228, 1287, 1500 and 1686** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### INTRODUCTION

Senator Eason McIntyre introduced her mother, Jeanne Eason Phillips; brother, Larry Joe Eason; guest, Madelyn Freeman; niece, Shawn Freeman and great nephew, Gabrielle Freeman, to the Senate.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Fields asked unanimous consent to refer **SR 48** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 48** by Fields was called up for consideration.

All other members of the Senate asked to coauthor **SR 48**, which was the order.

**SR 48** was adopted upon motion of Senator Fields and referred for enrollment.

**GENERAL ORDER**

**HB 2241** by Faught and Newell of the House and Sykes and Shortey of the Senate was called up for consideration.

Senator Sparks asked to coauthor **HB 2241**, which was the order.

Senator Sykes moved that **HB 2241** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2241** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Ellis, Fields, Ford, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes and Treat.--36.

Nay: Adelson, Bass, Garrison, Lerblance, McAffrey, Wilson and Wyrick.--7.

Excused: Burrage, Eason McIntyre, Laster and Simpson.--4.

Vacancy: District 20.--1.

The bill passed.

**HB 2241** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2300** by Peterson et al of the House and Crain and Shortey of the Senate was called up for consideration.

Senator Crain moved that **HB 2300** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2300** 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, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bingman, Burrage, Eason McIntyre, Laster and Simpson.--5.

Vacancy: District 20.--1.

The bill passed.

**HB 2300** was referred for engrossment.

**GENERAL ORDER**

**HB 2296** by Proctor and Pittman of the House and Crain and Shortey of the Senate was called up for consideration.

Senator Crain moved that **HB 2296** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2296** was read for the third time at length.

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

Aye: Adelson, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Nay: Aldridge.--1.

Excused: Bingman, Burrage, Eason McIntyre, Laster, Nichols and Simpson.--6.

Vacancy: District 20.--1.

The bill passed.

**HB 2296** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2655** by Jordan and Key of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 2655** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2655** 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, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Bingman, Burrage, Eason McIntyre, Laster, Mazzei, Nichols and Simpson.--7.

Vacancy: District 20.--1.

The bill passed.

**HB 2655** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2656** by Jordan of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 2656** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2656** 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, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Burrage, Eason McIntyre, Laster and Simpson.--4.

Vacancy: District 20.--1.

The bill passed.

**HB 2656** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2700** by Fourkiller et al of the House and Crain of the Senate was called up for consideration.

Representative Inman asked to coauthor **HB 2700**, which was the order.

Senator Crain moved that **HB 2700** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2700** 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, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bingman, Burrage, Eason McIntyre, Laster and Simpson.--5.

Vacancy: District 20.--1.

The bill passed.

**HB 2700** was referred for engrossment.

### **GENERAL ORDER**

**HB 2353** by Kouplen and Pittman of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HB 2353** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2353** 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, Bingman, Branam, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--40.

Excused: Burrage, Eason McIntyre, Laster, Mazzei, Nichols, Simpson and Treat.--7.

Vacancy: District 20.--1.

The bill passed.

**HB 2353** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2786** by Ortega of the House and Fields of the Senate was called up for consideration.

Senator Fields moved that **HB 2786** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2786** 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, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--39.

Excused: Bingman, Burrage, Eason McIntyre, Laster, Mazzei, Nichols, Simpson and Treat.--8.

Vacancy: District 20.--1.

The bill passed.

**HB 2786** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1314** by Richardson et al of the House and Coates of the Senate was called up for consideration.

Senator Coates moved that **HB 1314** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1314** was read for the third time 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, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--40.

Excused: Bingman, Burrage, Eason McIntyre, Laster, Mazzei, Simpson and Treat.--7.

Vacancy: District 20.--1.

The bill and emergency passed.

**HB 1314** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2308** by Faught of the House and Coates of the Senate was called up for consideration.

Senator Coates moved that **HB 2308** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2308** 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, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--41.

Excused: Bingman, Burrage, Laster, Mazzei, Simpson and Treat.--6.

Vacancy: District 20.--1.

The bill passed.

**HB 2308** was properly signed and ordered returned to the Honorable House.

**CHANGE IN COMMITTEE ASSIGNMENTS**

**HB 2377** – Withdrawn from Judiciary and referred to Rules

**HB 2714** – Withdrawn from General Government and referred to Rules

**MESSAGE FROM THE HOUSE****HAs TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

**SB 1131**

**SB 1170**

**SB 1299**

**SB 1420** - coauthored by Lockhart, Ritze and Cooksey of the House and Jolley of the Senate

**SB 1551**



House amendments were read on the above-numbered bills.

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 2211, 2285, 2310, 2499, 2580, 2618 and 2619.**

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

Advising passage of and returning the following Engrossed bills:

**SB 178** - coauthored by Shelton  
**SB 1041**  
**SB 1051**  
**SB 1279**

The above-numbered measures were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 1228, 1287, 1500 and 1686.**

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

**MESSAGE FROM THE HOUSE**

Advising the Honorable Senate pursuant to Article V, Section 30 of the Oklahoma Constitution that the House grants the request of the Honorable Senate to the adjournment for more than three days beginning Thursday, April 5, 2012 and ending Monday, April 9, 2012.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 9, 2012, at 1:30 p.m., which motion prevailed.

**COMMITTEE REPORTS**

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

DO PASS:

**HB 2564** – Transportation

Ayes: Allen, Holt, Johnson (Constance), Marlatt, Newberry, Paddack, Stanislawski

Nays: Branam

DO PASS, As Amended:

**HB 1835** – Finance

Ayes: Ballenger, Brinkley, Childers, Ford, Halligan, Jolley, Mazzei, Russell, Simpson, Sparks, Treat, Wilson

**HB 2643** – Transportation

Ayes: Allen, Branam, Holt, Johnson (Constance), Marlatt, Newberry, Paddack, Stanislawski

**HB 2653** – Finance

Ayes: Aldridge, Ballenger, Brinkley, Childers, Ford, Halligan, Jolley, Mazzei, Russell, Simpson, Sparks, Treat, Wilson

**HB 2928** – Finance

Ayes: Aldridge, Brinkley, Childers, David, Ford, Halligan, Jolley, Mazzei, Russell, Simpson, Treat, Wilson

**HB 3061** – Finance

Ayes: Brinkley, Childers, Ford, Halligan, Mazzei, Russell, Treat

Nays: Aldridge, Ballenger, Simpson, Sparks, Wilson

**HB 3108** – Transportation, coauthored by Martin (Scott) of House

Ayes: Allen, Branam, Holt, Johnson (Constance), Marlatt, Newberry, Paddack, Stanislawski

**HB 3110** – Finance

Ayes: Adelson, Aldridge, Brinkley, Childers, David, Ford, Halligan, Jolley, Mazzei, Russell, Simpson, Treat, Wilson

FAILED:

**HB 2304** – Appropriations

Ayes: Ballenger, Brinkley, Burrage, Crain, Ivester, McAffrey, Paddack, Wilson,  
Wyrick

Nays: Branan, David, Ford, Halligan, Jolley, Justice, Marlatt, Newberry, Nichols,  
Stanislawski, Sykes

**HB 2980** – Finance

Ayes: Ballenger, Brinkley, Mazzei, Sparks, Wilson

Nays: Aldridge, Childers, David, Ford, Halligan, Jolley, Russell, Simpson, Treat

**MESSAGE FROM THE GOVERNOR**

Advising her approval April 4, 2012, of Enrolled **SB 1704**.

Pursuant to the Schulz motion, the Senate adjourned at 2:50 p.m. to meet Monday,  
April 9, 2012, at 1:30 p.m.