

# Senate Journal

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

Thirty-eighth Legislative Day, Thursday, April 12, 2012

The Senate was called to order by Senator Marlatt.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Childers, Coates, 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: Brown, Crain, Laster and Mazzei.—4.

Senator Marlatt declared a quorum present.

The prayer was offered by Reverend Dan Barrick, Enid First Assembly, Enid, the guest of Senator Anderson.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1814, 2286 and 2683** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 1000, 1354 and 1830** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Ballenger asked unanimous consent to refer **SR 47** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 47** by Ballenger was called up for consideration.

All other members of the Senate asked to coauthor **SR 47**, which was the order.

**SR 47** was adopted upon motion of Senator Ballenger and referred for enrollment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Halligan asked unanimous consent to refer **SCR 37** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 37** by Halligan of the Senate and Denney and Williams of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 37**, which was the order.

**SCR 37** was adopted upon motion of Senator Halligan and referred for engrossment.

**GENERAL ORDER**

**HB 3108** by Hickman et al of the House and Anderson of the Senate was called up for consideration.

Senator Anderson moved to amend **HB 3108**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Anderson moved to amend the floor substitute to **HB 3108**, Page 1, by restoring the title, which amendment failed of adoption upon roll call as follows:

Aye: Anderson, Ballenger, Barrington, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Halligan, Ivester, Justice, Lerblance, Russell, Simpson, Sparks, Wilson and Wyrick.--17.

Nay: Aldridge, Allen, Branan, Brecheen, Brinkley, Childers, Coates, David, Fields, Ford, Griffin, Holt, Johnson (C), Johnson (R), Jolley, Marlatt, Newberry, Nichols, Paddock, Schulz, Shortey, Stanislawski, Sykes and Treat.--24.

Excused: Adelson, Bingman, Brown, Crain, Laster, Mazzei and McAffrey.--7.

Senator Anderson moved that **HB 3108** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 3108** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Bingman, Brown, Crain, Halligan, Laster, Mazzei and McAffrey.--8.

The bill and emergency passed.

**HB 3108** was referred for engrossment.

**GENERAL ORDER**

**HB 2225** by Faught of the House and Aldridge of the Senate was called up for consideration.

Senator Sparks asked to coauthor **HB 2225**, which was the order.

Senator Aldridge moved that **HB 2225** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2225** was read for the third time at length.

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

Aye: Aldridge, Ballenger, Barrington, Bass, Branan, Brinkley, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Wilson and Wyrick.--31.

Nay: Allen, Anderson, Brecheen, Marlatt, Newberry, Russell, Shortey, Sykes and Treat.--9.

Excused: Adelson, Bingman, Brown, Crain, Halligan, Laster, Mazzei and McAffrey.--  
8.

The bill passed.

**HB 2225** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2230** by Faught of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 2230** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2230** was read for the third time at length.

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

Aye: Aldridge, Ballenger, Barrington, Bass, Bingman, Brecheen, Brinkley, Burrage, Childers, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Schulz, Sparks, Stanislawski, Wilson and Wyrick.--31.

Nay: Allen, Anderson, Branan, Coates, David, Russell, Shortey, Sykes and Treat.--9.

Excused: Adelson, Brown, Crain, Halligan, Laster, Mazzei, McAffrey and Simpson.--  
8.

The bill passed.

**HB 2230** was referred for engrossment.

### **GENERAL ORDER**

**HB 3055** by Steele and Lockhart of the House and Fields of the Senate was called up for consideration.

Senator Fields moved to amend **HB 3055**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Fields moved to amend the floor substitute to **HB 3055**, Page 1, by striking the title, which amendment was declared adopted.

Senator Fields moved that **HB 3055** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 3055** was read for the third time at length.

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

Aye: Aldridge, Barrington, Bingman, Brinkley, Coates, David, Fields, Ford, Griffin, Halligan, Justice, Marlatt, Newberry, Nichols, Paddack, Russell, Schulz and Simpson.--18.

Nay: Allen, Anderson, Ballenger, Bass, Branan, Brecheen, Burrage, Childers, Eason McIntyre, Ellis, Garrison, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Lerblance, Shortey, Sparks, Sykes, Treat, Wilson and Wyrick.--23.

Excused: Adelson, Brown, Crain, Laster, Mazzei, McAffrey and Stanislawski.--7.

The bill failed.

Pursuant to Rule 12-21, Senator Fields served notice that the vote be reconsidered whereby **HB 3055** failed.

### **GENERAL ORDER**

**HB 2289** by Grau of the House and Holt of the Senate was called up for consideration.

Senator Holt moved that **HB 2289** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2289** 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, Bass, Branan, Brecheen, Brinkley, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Adelson, Bingman, Brown, Crain, Laster, Mazzei and McAffrey.--7.

The bill passed.

**HB 2289** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2646** by Brumbaugh et al of the House and Holt of the Senate was called up for consideration.

Senator Holt moved that **HB 2646** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2646** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Brecheen, Brinkley, Childers, David, Ford, Griffin, Holt, Johnson (R), Jolley, Marlatt, Newberry, Nichols, Russell, Schulz, Simpson, Stanislawski, Sykes and Treat.--21.

Nay: Allen, Ballenger, Bass, Burrage, Coates, Eason McIntyre, Ellis, Fields, Garrison, Ivester, Johnson (C), Justice, Lerblance, Paddack, Shortey, Sparks, Wilson and Wyrick.--18.

Excused: Adelson, Bingman, Branan, Brown, Crain, Halligan, Laster, Mazzei and McAffrey.--9.

The bill failed.

Pursuant to Rule 12-21, Senator Holt served notice that the vote be reconsidered whereby **HB 2646** failed.

### **GENERAL ORDER**

**HB 2564** by Wesselhoft of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski moved that **HB 2564** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2564** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Brecheen, Brinkley, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Newberry, Nichols, Paddack, Russell, Schulz, Sparks, Stanislowski, Wilson and Wyrick.--33.

Nay: Allen, Marlatt, Shortey, Sykes and Treat.--5.

Excused: Adelson, Bingman, Branan, Brown, Crain, Halligan, Laster, Mazzei, McAffrey and Simpson.--10.

The bill and emergency passed.

**HB 2564** was properly signed and ordered returned to the Honorable House.

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

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

**SB 1320** - coauthored by Faught, Roberts (Sean), Proctor and Williams of the House  
**SB 1493**  
**SB 1678**  
**SB 1866**

House amendments were read on the above-numbered bills.

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1577, 2302, 2364, 2429, 2518** and **2970**.

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 1000, 1354** and **1830**.

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

Advising passage of and returning the following Engrossed bills:

**SB 221**

**SB 223**

**SCR 35** - coauthored by McDaniel (Jeannie), Ritze, McCullough, Roan, Roberts (Sean) and Cannaday of the House

**SCR 37** - coauthored by Kouplen, Murphey, Condit, Armes, Casey and Dorman of the House

The above-numbered measures were referred for enrollment.

### **EXECUTIVE NOMINATIONS**

The following executive nominations were read and referred to the committee indicated:

McCasland, Thomas H. III, Duncan, as a member of the Oklahoma Student Loan Authority - Education

Shipley, Dennis R., Tecumseh, as a member of the Oklahoma Development Finance Authority - Finance

Shipley, Dennis R., Tecumseh, as a member of the Oklahoma Industrial Finance Authority - Finance

Taylor, Kristin C., Oklahoma City, as a member of the Board of Examiners of Speech-Language Pathology and Audiology - Health and Human Services

White, James R., Oklahoma City, as a member of the Board of Regents for Oklahoma City Community College - Education

Wymer, R. Deane, Fairview, as a member of the Oklahoma Lottery Commission Board of Trustees - Finance

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 16, 2012, at 1:30 p.m., which motion prevailed.



**FIRST READING**

The following was introduced and read the first time:

**SR 49** – By Johnson (Constance).

A Resolution congratulating the 2012 Class 3A Girls Basketball Champions, the Millwood Lady Falcons; commending the coaching staff; and directing distribution.

Pursuant to the Schulz motion, the Senate adjourned at 11:25 a.m. to meet Monday, April 16, 2012, at 1:30 p.m.