

Senate Journal

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

Fortieth Legislative Day, Tuesday, April 17, 2012

The Senate was called to order by Senator David.

Roll Call:

Present: 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, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—47.

Excused: Adelson.—1.

Senator David declared a quorum present.

The prayer was offered by Reverend Adam Shahan, Lexington United Methodist Church, Lexington, the guest of Senator Sparks.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 2643, 2645, 2654, 2991, 3133, 3134, 3135 and 3136 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 1016, 1056, 1082, 1544, 1580 and 1667 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 50 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

GENERAL ORDER

HB 2446 by Quinn of the House and Brinkley of the Senate was called up for consideration.

Senator Brinkley moved that **HB 2446** be advanced, which motion was declared adopted.

THIRD READING

HB 2446 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, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Jolley, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Adelson, Bingman, Ivester, Johnson (R), Justice and Nichols.--6.

The bill passed.

HB 2446 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1067** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 2449 by Quinn of the House and Brinkley of the Senate was called up for consideration.

Senator Brinkley moved that **HB 2449** be advanced, which motion was declared adopted.

THIRD READING

HB 2449 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, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Adelson, Bingman, Johnson (R), Mazzei and Nichols.--5.

The bill and emergency passed.

HB 2449 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2578 by Mulready of the House and Brinkley of the Senate was called up for consideration.

Senator Brinkley moved that **HB 2578** be advanced, which motion was declared adopted.

THIRD READING

HB 2578 was read for the third time at length.

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

Aye: Aldridge, Barrington, Brecheen, Brinkley, Coates, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Justice, Laster, Marlatt, McAffrey, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Stanislawski, Treat and Wyrick.--26.

Nay: Allen, Anderson, Ballenger, Bass, Branan, Brown, Burrage, Childers, Crain, Eason McIntyre, Garrison, Ivester, Johnson (C), Jolley, Lerblance, Russell, Sparks, Sykes and Wilson.--19.

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

The bill passed.

HB 2578 was referred for engrossment.

GENERAL ORDER

HB 2579 by Mulready et al of the House and Brinkley and Barrington of the Senate was called up for consideration.

Senator Brinkley moved that **HB 2579** be advanced, which motion was declared adopted.

THIRD READING

HB 2579 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, 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, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Adelson and Mazzei.--2.

The bill passed.

HB 2579 was referred for engrossment.

GENERAL ORDER

HB 2834 by Martin (Scott) of the House and Brinkley of the Senate was called up for consideration.

Senator Brinkley moved that **HB 2834** be advanced, which motion was declared adopted.

THIRD READING

HB 2834 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, 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, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Nay: Shortey.--1.

Excused: Adelson and Mazzei.--2.

The bill passed.

HB 2834 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2941 by Derby and Ritze of the House and Brinkley of the Senate was called up for consideration.

Senator Shortey asked to coauthor **HB 2941**, which was the order.

Senator Brinkley moved to amend **HB 2941**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Brinkley moved that **HB 2941** be advanced, which motion was declared adopted.

THIRD READING

HB 2941 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, 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, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Nay: Russell.--1.

Excused: Adelson.--1.

The bill and emergency passed.

HB 2941 was referred for engrossment.

GENERAL ORDER

HB 2273 by Cox of the House and Crain and McAffrey of the Senate was called up for consideration.

Senator Crain moved that **HB 2273** be advanced, which motion was declared adopted.

THIRD READING

HB 2273 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, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Childers, Griffin and Mazzei.--4.

The bill passed.

HB 2273 was referred for engrossment.

GENERAL ORDER

HB 2751 by Kirby of the House and Brown of the Senate was called up for consideration.

Senator Shortey asked to coauthor **HB 2751**, which was the order.

Senator Brown moved that **HB 2751** be advanced, which motion was declared adopted.

THIRD READING

HB 2751 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, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--32.

Nay: Ballenger, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, McAffrey, Wilson and Wyrick.--13.

Excused: Adelson, Childers and Marlatt.--3.

The bill passed.

HB 2751 was referred for engrossment.

GENERAL ORDER

HB 2262 by Shannon of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved to amend **HB 2262**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restored **HB 2262** to the engrossed version of the bill.

Senator Jolley moved that **HB 2262** be advanced, which motion was declared adopted.

THIRD READING

HB 2262 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, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, 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, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Childers, Mazzei and Shortey.--4.

The bill and emergency passed.

HB 2262 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2647 by Brumbaugh et al of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved to amend **HB 2647**, 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 Jolley moved that **HB 2647** be advanced, which motion was declared adopted.

THIRD READING

HB 2647 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, Branam, 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, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

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

The bill passed.

HB 2647 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1968, 2197, 2200, 2251, 2264, 2322, 2365, 2502, 2715** and **2927**.

The above-numbered enrolled measures were, after fourth reading, 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 1095

SB 1218 - (Emergency Failed), coauthored by Cooksey of the House

SB 1412 - coauthored by Sherrer of the House

SB 1451

SB 1539 - coauthored by Condit, Roberts (Dustin) and Walker of the House

SB 1889 - coauthored by Derby and Cox of the House

House amendments were read on the above-numbered bills.

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 2414**.

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

Senator Schulz moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Sykes presiding.

Senator Sykes questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

GENERAL ORDER

HB 2281 by Glenn and Roan of the House and Ballenger of the Senate was called up for consideration.

Senator Ballenger moved that **HB 2281** be advanced, which motion was declared adopted.

THIRD READING

HB 2281 was read for the third time at length.

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

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

Excused: Adelson, Aldridge, Bingman, Burrage, Childers, Marlatt, Mazzei and Shortey.--8.

The bill passed.

HB 2281 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 3038 by Osborn et al of the House and Jolley et al of the Senate was called up for consideration.

Senator Jolley moved to amend **HB 3038**, 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 Jolley moved that **HB 3038** be advanced, which motion was declared adopted.

THIRD READING

HB 3038 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, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--31.

Nay: Ballenger, Bass, Burrage, Coates, Eason McIntyre, Ellis, Ivester, Johnson (C), Laster, Lerblance, McAffrey, Paddack, Sparks, Wilson and Wyrick.--15.

Excused: Adelson and Garrison.--2.

The bill passed and the emergency failed.

HB 3038 was referred for engrossment.

GENERAL ORDER

HB 2270 by Cox et al of the House and Johnson (Rob) et al of the Senate was called up for consideration.

Senator Johnson (Rob) moved to amend **HB 2270**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restored **HB 2270** to the engrossed version of the bill.

Senator Johnson (Rob) moved that **HB 2270** be advanced, which motion was declared adopted.

THIRD READING

HB 2270 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, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Garrison, Ivester and Mazzei.--4.

The bill passed.

HB 2270 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 3009 by Terrill et al of the House and Johnson (Rob) and McAffrey of the Senate was called up for consideration.

Senator Johnson (Rob) moved to amend **HB 3009**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restored **HB 3009** to the engrossed version of the bill.

Senator Johnson (Rob) moved that **HB 3009** be advanced, which motion was declared adopted.

THIRD READING

HB 3009 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, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Garrison, Ivester and Mazzei.--4.

The bill passed.

HB 3009 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2371 by Sanders and Walker of the House and Ballenger of the Senate was called up for consideration.

Senator Ballenger moved that **HB 2371** be advanced, which motion was declared adopted.

THIRD READING

HB 2371 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, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Garrison, Ivester and Mazzei.--4.

The bill passed.

HB 2371 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2433 by Roan of the House and Ballenger of the Senate was called up for consideration.

Senator Ballenger moved that **HB 2433** be advanced, which motion was declared adopted.

THIRD READING

HB 2433 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, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Nay: Shortey.--1.

Excused: Adelson, Garrison, Ivester and Mazzei.--4.

The bill passed.

HB 2433 was properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Halligan asked unanimous consent to refer **HCR 1037** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1037 by Denney et al of the House and Halligan of the Senate was called up for consideration.

HCR 1037 was adopted upon motion of Senator Halligan and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 1016, 1056, 1082, 1544, 1580** and **1667**.

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

Advising passage of and returning the following Engrossed bill:

SB 1031

SB 1119 - coauthored by Sherrer and Cannaday of the House

SB 1450

SB 1640

SB 1940

The above-numbered measure was referred for enrollment.

EXECUTIVE NOMINATIONS

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

Curry, W. Stephen, Oklahoma City, as a member of the State Election Board - Rules

Krempl, Greg A., Oklahoma City, as a member of the Board of Examiners of Speech-Language Pathology and Audiology - Health and Human Services

Krempl, Greg A., Oklahoma City, as a member of the Board of Examiners of Speech-Language Pathology and Audiology - Health and Human Services

Wetekam, Donald J., Oklahoma City, as a member of the Oklahoma Space Industry Development Authority - Energy

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 18, 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 1095 – Health and Human Services

HJR 1097 – Health and Human Services

HJR 1098 – Business and Commerce
HJR 1100 – Health and Human Services
HJR 1101 – Business and Commerce
HJR 1107 – Tourism and Wildlife
HJR 1108 – Agriculture and Rural Development
SJR 91 – Energy

FIRST READING

The following were introduced and read the first time:

SR 52 – By Laster.

A Resolution honoring the historic 40-year career of Oklahoma State University Men's Tennis Coach James Wadley; commending Coach Wadley for his leadership and dedication to players; and directing distribution.

SR 53 – By Johnson (Constance).

A Resolution congratulating the Douglass High School Trojans for winning the 2012 4A basketball State Championship; and directing distribution.

MESSAGES FROM THE GOVERNOR

Advising her approval April 17, 2012, of Enrolled **SBs 1069, 1127, 1179, 1187, 1188, 1263, 1277, 1425** and **1546**.

Pursuant to the Schulz motion, the Senate adjourned at 3:40 p.m. to meet Wednesday, April 18, 2012, at 9:30 a.m.