

Senate Journal

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Forty-fourth Legislative Day, Tuesday, April 24, 2012

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, 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.—46.

Excused: Adelson and Burrage.—2.

Senator Sykes declared a quorum present.

The prayer was offered by Chaplain Sam Garner, Department of Public Safety, Norman, the guest of Senator Nichols.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1985, 2373, 2607, 2621, 2653, 2659, 2689, 2741, 2978, 3000 and 3137 and HJR 1092 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 1215 and 1874 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

HB 2516 by Kern of the House and Ford of the Senate was called up for consideration.

Senator Ford moved that **HB 2516** be advanced, which motion was declared adopted.

THIRD READING

HB 2516 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, Barrington, Branan, Brecheen, Brinkley, Brown, 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, Wilson and Wyrick.--40.

Excused: Adelson, Anderson, Ballenger, Bass, Bingman, Burrage, Mazzei and Treat.--8.

The bill and emergency passed.

HB 2516 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2790 by Ortega and Denney of the House and Ford of the Senate was called up for consideration.

Senator Ford moved that **HB 2790** be advanced, which motion was declared adopted.

THIRD READING

HB 2790 was read for the third time at length.

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

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

Nay: Barrington, Eason McIntyre, Ellis, Garrison, Holt, Johnson (C), Laster, Lerblance, McAffrey, Paddack, Sparks, Wilson and Wyrick.--13.

Excused: Adelson, Anderson, Ballenger, Bass, Burrage and Shortey.--6.

The bill passed.

HB 2790 was referred for engrossment.

GENERAL ORDER

HB 2563 by Wesselhoft et al of the House and Brecheen of the Senate was called up for consideration.

Senator Brecheen moved to amend **HB 2563**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted upon roll call as follows. (Copies were provided for all Senators.)

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, Simpson, Stanislawski, Sykes and Treat.--30.

Nay: Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, McAffrey, Paddack, Sparks, Wilson and Wyrick.--13.

Excused: Adelson, Ballenger, Bass, Burrage and Shortey.--5.

Senator Brecheen moved that **HB 2563** be advanced, which motion was declared adopted.

THIRD READING

HB 2563 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, Simpson, Stanislawski, Sykes and Treat.--30.

Nay: Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, McAffrey, Paddack, Sparks, Wilson and Wyrick.--13.

Excused: Adelson, Ballenger, Bass, Burrage and Shortey.--5.

The bill passed and the emergency failed.

HB 2563 was referred for engrossment.

GENERAL ORDER

HB 2921 by Richardson et al of the House and Brecheen and Allen of the Senate was called up for consideration.

Senator Brecheen moved to amend **HB 2921**, Page 1, by striking the title, which amendment was declared adopted.

Senator Brecheen moved that **HB 2921** be advanced, which motion was declared adopted.

THIRD READING

HB 2921 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, Barrington, Brecheen, Brinkley, Brown, Childers, Coates, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Ivester, Johnson (R), Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes and Wyrick.--32.

Nay: Anderson, Bingman, Branan, Crain, Holt, Johnson (C), Jolley, Mazzei, Treat and Wilson.--10.

Excused: Adelson, Ballenger, Bass, Burrage, David and Shortey.--6.

The bill and emergency passed.

HB 2921 was referred for engrossment.

GENERAL ORDER

HB 2787 by Ortega and Sherrer of the House and Fields of the Senate was called up for consideration.

Senator Fields moved to amend **HB 2787**, Page 1, by striking the title, which amendment was declared adopted.

Senator Fields moved that **HB 2787** be advanced, which motion was declared adopted.

THIRD READING

HB 2787 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, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, 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, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Ballenger, Burrage and Shortey.--4.

The bill passed.

HB 2787 was referred for engrossment.

GENERAL ORDER

HJR 1082 by Roberts (Sean) et al of the House and Fields et al of the Senate was called up for consideration.

Senator Fields asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HJR 1082**.

Senator Fields moved to amend **HJR 1082**, 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 **HJR 1082**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Fields moved that **HJR 1082** be advanced, which motion was declared adopted.

THIRD READING

HJR 1082 was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--43.

Excused: Adelson, Burrage, and Shortey.--3.

Not Voting: Ivester and Sykes.--2.

*Senators Sykes and Ivester asked to be shown not voting on **HJR 1082** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

The resolution passed.

HJR 1082 was referred for engrossment.

GENERAL ORDER

HB 2469 by Morrissette of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 2469** be advanced, which motion was declared adopted.

THIRD READING

HB 2469 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, 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, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Burrage and Shortey.--3.

The bill passed.

HB 2469 was referred for engrossment.

GENERAL ORDER

HB 2520 by Murphey of the House and Holt of the Senate was called up for consideration.

Senator Holt moved that **HB 2520** be advanced, which motion was declared adopted.

THIRD READING

HB 2520 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Mazzei, McAffrey, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Adelson, Bingman, Burrage, Childers, Marlatt, Newberry and Shortey.--7.

The bill passed.

HB 2520 was referred for engrossment.

GENERAL ORDER

HJR 1001 by Dank et al of the House and Mazzei and Holt of the Senate was called up for consideration.

Senator Jolley asked to coauthor **HJR 1001**, which was the order.

Senator Mazzei moved that **HJR 1001** be advanced, which motion was declared adopted.

THIRD READING

HJR 1001 was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--43.

Nay: Allen, Johnson (C) and Wilson.--3.

Excused: Adelson and Burrage.--2.

The resolution passed.

HJR 1001 was referred for engrossment.

GENERAL ORDER

HB 2447 by Quinn of the House and Brinkley of the Senate was called up for consideration.

Senator Allen asked to coauthor **HB 2447**, which was the order.

Senator Brinkley asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2447**.

Senator Brinkley moved to amend **HB 2447**, Page 13, Line 21, by adding after the period “.” the following: “Until January 1, 2014, if an employer with more than fifty (50) employees purchases an exclusive provider benefit plan from an insurer, the insurer shall also offer to the employees of the employer an out-of-network benefit. This out-of-network coverage may be subject to an additional premium, deductible, copayment and co-insurance and such charges may be paid by the employee rather than the employer.”

Senator Sparks moved to amend the above amendment to **HB 2447** by deleting the language “Until January 1, 2014, if” and inserting in lieu thereof the word “If”; and by deleting the following language “with more than fifty (50) employees”, which amendment was declared adopted.

Senator Brinkley pressed adoption of his amendment as amended, which amendment was declared adopted.

Senator Brinkley moved to amend **HB 2447**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Brinkley moved that **HB 2447** be advanced, which motion was declared adopted.

THIRD READING

HB 2447 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, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Mazzei, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski and Wilson.--32.

Nay: Ballenger, Childers, Coates, David, Ivester, Jolley, Marlatt, McAffrey, Russell, Shortey, Sykes, Treat and Wyrick.--13.

Excused: Adelson, Bass and Burrage.--3.

The bill passed.

HB 2447 was referred for engrossment.

GENERAL ORDER

HB 3058 by Steele et al of the House and Bingman et al of the Senate was called up for consideration.

Senator Brinkley asked to coauthor **HB 3058**, which was the order.

Senator Brinkley moved that **HB 3058** be advanced, which motion was declared adopted.

THIRD READING

HB 3058 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, Bingman, Branan, Brecheen, Brinkley, Brown, 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.--45.

Excused: Adelson, Bass and Burrage.--3.

The bill and emergency passed.

HB 3058 was referred for engrossment.

GENERAL ORDER

HB 3056 by Steele and McDaniel (Jeannie) of the House and Bingman of the Senate was called up for consideration.

Senator Jolley moved that **HB 3056** be advanced, which motion was declared adopted.

THIRD READING

HB 3056 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, 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.--44.

Excused: Adelson, Bass, Burrage and Mazzei.--4.

The bill passed.

HB 3056 was referred for engrossment.

GENERAL ORDER

HB 1952 by McNiel et al of the House and Stanislawski and Marlatt of the Senate was called up for consideration.

Senator Brecheen asked to coauthor **HB 1952**, which was the order.

Senator Stanislawski moved to amend **HB 1952**, 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 Stanislawski asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1952**.

Senator Stanislawski moved to amend the floor substitute to **HB 1952**, Page 3, Line 11, after the word "week" and before the period by adding, "upon the availability of funds", which amendment was declared adopted.

Senator Stanislawski moved to amend the floor substitute to **HB 1952**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Stanislawski moved that **HB 1952** be advanced, which motion was declared adopted.

THIRD READING

HB 1952 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, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Eason McIntyre, 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.--44.

Excused: Adelson, Bass, Burrage and Ellis.--4.

The bill and emergency passed.

HB 1952 was referred for engrossment.

GENERAL ORDER

HB 2994 by Newell of the House and Newberry of the Senate was called up for consideration.

Senator Newberry moved that **HB 2994** be advanced, which motion was declared adopted.

THIRD READING

HB 2994 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, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Nay: McAffrey.--1.

Excused: Adelson, Bass, Burrage and Mazzei.--4.

The bill passed.

HB 2994 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 1059 - coauthored by Cooksey of the House

SB 1159

SB 1222 - coauthored by McCullough, Sherrer, Stiles, Inman, Bennett and Roberts (Dustin) of the House

SB 1246 - coauthored by Sanders of the House

SB 1272 - Remove Martin (Scott) and substitute Derby as principal House author and coauthored by Morrissette of the House

SB 1328 - coauthored by Cannaday of the House and Fields of the Senate

SB 1397 - coauthored by McDaniel (Jeannie) of the House

SB 1419

SB 1443 - coauthored by Walker and Cannaday of the House

SB 1464 - coauthored by Pittman of the House

SB 1480 - (Emergency Failed)

SB 1665

SB 1862

SB 1863 - coauthored by Wesselhoft, Bennett, Inman, Hardin, Roberts (Dustin), Sherrer, Kern and Walker of the House

SB 1865

SB 1905 - coauthored by Lockhart, Roberts (Dustin), Bennett and Hardin of the House

SB 1919 - coauthored by Bennett of the House

House amendments were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 1601 - coauthored by Sherrer and Hoskin of the House

SB 1913 - coauthored by Osborn and Pittman of the House

The above-numbered measures were referred for enrollment.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1562, 1835, 2325, 2329, 2648, 2920 and 2945** and **HJR 1070**.

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

Advising passage of and transmitting for consideration Engrossed **HJR 1115**.

HJR 1115 – By Faught of the House and David of the Senate.

A Joint Resolution approving permanent rules of the State Board of Licensed Social Workers; and directing distribution.

The above-numbered measure was read the first time.

Advising fourth reading of and returning Enrolled **SBs 1215** and **1874**.

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 1979 - General Conference Committee on Appropriations

HB 2392 - Conference Committee on Insurance and Economic Development

HB 2645 - Conference Committee on General Government and Transportation

HB 2646 - Conference Committee on Government Modernization and Rules

HB 2647 - Conference Committee on Government Modernization and Rules

HB 2700 - Conference Committee on Education

HB 2991 - Conference Committee on Government Modernization and Rules

HB 3108 - Conference Committee on General Government and Transportation

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

*

The Senate reconvened with Senator Marlatt presiding.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 1059** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 2525 by Martin (Steve) of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 2525** be advanced, which motion was declared adopted.

THIRD READING

HB 2525 was read for the third time at length.

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

Aye: Barrington, Brecheen, Crain, Halligan, Justice, McAffrey, Paddack and Shortey.--8.

Nay: Aldridge, Allen, Ballenger, Bingman, Branan, Brinkley, Brown, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Laster, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--36.

Excused: Adelson, Anderson, Bass and Burrage.--4.

The bill failed.

Pursuant to Rule 12-21, Senator Barrington served notice that the vote be reconsidered whereby **HB 2525** failed.

GENERAL ORDER

HB 1222 by McCullough of the House and Sykes of the Senate was called up for consideration.

Senator Sykes moved that **HB 1222** be advanced, which motion was declared adopted.

THIRD READING

HB 1222 was read for the third time at length.

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

Aye: Aldridge, Allen, Ballenger, Barrington, Branan, Brecheen, Brinkley, Brown, 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.--43.

Excused: Adelson, Anderson, Bass, Bingman and Burrage.--5.

The bill passed.

HB 1222 was referred for engrossment.

GENERAL ORDER

HB 2561 by Wesselhoft et al of the House and Jolley and Shortey of the Senate was called up for consideration.

Senator Jolley moved to amend **HB 2561**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute. (Copies were provided for all Senators.)

Senator Jolley moved to amend the floor substitute to **HB 2561**, Page 5, Line 21, by inserting before the word "Nothing", the letter "A."; and Page 5, Line 23, by inserting a new subsection B to read as follows:

"B. Nothing in this act shall apply to a hospital as defined in Section 1-701 of Title 63 of the Oklahoma Statutes which has a dedicated emergency department as defined in 42 CFR 489.24b.", which amendment was declared adoption.

Senator Jolley pressed adoption of his amendment as amended, which amendment was declared adopted.

Senator Jolley moved that **HB 2561** be advanced, which motion was declared adopted upon roll call as follows:

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

Nay: Ballenger, Coates, Eason McIntyre, Garrison, Ivester, Johnson (C), Laster, Lerblance, McAffrey, Paddack, Sparks, Wilson and Wyrick.--13.

Excused: Adelson, Anderson, Bass and Burrage.--4.

Senator Jolley asked unanimous consent that **HB 2561** be laid over temporarily, which was the order.

HB 2561 remains on Third Reading.

Senator Schulz moved that the Senate recess until 2:30 p.m., which motion was declared adopted.

*

The Senate reconvened with Senator Marlatt presiding.

THIRD READING

HB 2561 was read for the third time at length.

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

Aye: Aldridge, Allen, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--33.

Nay: Ballenger, Eason McIntyre, Johnson (C), Laster, Lerblance, McAffrey, Sparks, Wilson and Wyrick.--9.

Excused: Adelson, Anderson, Bass, Branam, Burrage and Coates.--6.

The bill passed.

HB 2561 was referred for engrossment.

INTRODUCTION

Senator Russell introduced his daughter, Jessica, to the Senate.

GENERAL ORDER

HB 2524 by Martin (Steve) and Armes of the House and Newberry of the Senate, as previously considered on Page 893, was called up for further consideration.

Senator Newberry moved to amend **HB 2524**, 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 Newberry moved to amend the floor substitute to **HB 2524**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Newberry moved that **HB 2524** be advanced, which motion was declared adopted.

THIRD READING

HB 2524 was read for the third time at length.

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

Aye: Aldridge, Allen, Ballenger, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, 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.--40.

Nay: Halligan.--1.

Excused: Adelson, Anderson, Bass, Branan, Burrage, Coates and Mazzei.--7.

The bill passed.

HB 2524 was referred for engrossment.

GENERAL ORDER

HB 2381 by Cockroft et al of the House and David et al of the Senate was called up for consideration.

Senator Wilson moved to amend **HB 2381** by striking Sections 1 through 7, inserting a new Section 1 to read as follows:

“ SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 862.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provisions of law, no person shall perform or receive an abortion in this state.” and by renumbering subsequent section.

Senator David moved to table the Wilson amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--31.

Nay: Ballenger, Eason McIntyre, Garrison, Johnson (C), Laster, Lerblance, McAffrey, Sparks, Wilson and Wyrick.--10.

Excused: Adelson, Anderson, Bass, Branam, Burrage, Coates and Ellis.--7.

Senator Sparks moved to amend **HB 2381**, Page 1, Line 19, after the word “person” and before the comma, by inserting “or by Health Insurance Portability and Accountability Act (HIPAA) secure, live, two-way teleconferencing.”

Senator David moved to table the Sparks amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Allen, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--30.

Nay: Ballenger, Eason McIntyre, Ellis, Garrison, Johnson (C), Laster, Lerblance, McAffrey, Sparks, Wilson and Wyrick.--11.

Excused: Adelson, Aldridge, Anderson, Bass, Branam, Burrage and Coates.--7.

Senator David moved to amend **HB 2381**, Page 1, by restoring the title, which amendment was declared adopted.

Senator David moved that **HB 2381** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Allen, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--31.

Nay: Ballenger, Eason McIntyre, Garrison, Johnson (C), Laster, Lerblance, McAffrey, Sparks, Wilson and Wyrick.--10.

Excused: Adelson, Aldridge, Anderson, Bass, Branam, Burrage and Coates.--7.

THIRD READING

HB 2381 was read for the third time at length.

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

Aye: Allen, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--32.

Nay: Ballenger, Eason McIntyre, Johnson (C), Laster, Lerblance, McAffrey, Sparks, Wilson and Wyrick.--9.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Burrage and Coates.--7.

The bill passed.

HB 2381 was properly signed and ordered returned to the Honorable House.

REQUEST TO RECESS

Pursuant to Article 5, Section 30 of the Oklahoma Constitution, the Senate requests the Honorable House to consent to the adjournment of the Senate for more than three days beginning on Thursday, April 26, 2012 and ending on Monday, April 30, 2012.

GENERAL ORDER

HB 2394 by Liebmann and Murphey of the House and Marlatt of the Senate was called up for further consideration.

Senator Marlatt asked to be removed and Senator Griffin asked to be named principal Senate author, and Senator Marlatt asked to coauthor **HB 2394**, which was the order.

Senator Griffin moved that **HB 2394** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Barrington, Brecheen, Brinkley, Brown, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Johnson (C), Johnson (R), Jolley, Justice, Laster, Marlatt, Paddack, Russell, Schulz, Simpson, Treat and Wilson.--24.

Nay: Allen, Ballenger, Bingman, Childers, Crain, Holt, Ivester, Lerblance, Mazzei, Newberry, Nichols, Shortey, Sparks, Stanislawski, Sykes and Wyrick.--16.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Burrage, Coates and McAffrey.-
-8.

THIRD READING

HB 2394 was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, 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.--41.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Burrage and Coates.--7.

The bill passed.

HB 2394 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Barrington moved to reconsider the vote whereby **HB 2525** failed, which motion was declared adopted upon roll call as follows:

Aye: Ballenger, Barrington, Bingman, Brecheen, Brinkley, Brown, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (R), Justice, Laster, Marlatt, Nichols, Paddack, Schulz, Shortey, Sparks, Stanislawski and Wyrick.--27.

Nay: Allen, Childers, Ivester, Johnson (C), Jolley, Lerblance, Mazzei, McAffrey, Newberry, Russell, Simpson, Sykes, Treat and Wilson.--14.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Burrage and Coates.--7.

GENERAL ORDER

HB 2525 by Martin (Steve) of the House and Barrington of the Senate was called up for further consideration.

Senator Barrington moved to amend **HB 2525**, Page 1, by striking the title, which amendment was declared adopted.

Senator Barrington moved that **HB 2525** be advanced, which motion was declared adopted.

THIRD READING

HB 2525 was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Brecheen, Brinkley, Brown, Crain, Eason McIntyre, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, Newberry, Nichols, Paddack, Schulz, Shortey, Sparks, Stanislawski, Wilson and Wyrick.--29.

Nay: Childers, David, Ivester, Jolley, Russell, Simpson, Sykes and Treat.--8.

Excused: Adelson, Aldridge, Anderson, Bass, Bingman, Branan, Burrage, Coates, Ellis, Mazzei and McAffrey.--11.

The bill passed.

HB 2525 was referred for engrossment.

GENERAL ORDER

HB 2522 by Martin (Steve) et al of the House and Treat et al of the Senate was called up for consideration.

Representative Faught and Senator Russell asked to coauthor **HB 2522**, which was the order.

Senator Treat moved to amend **HB 2522**, 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 Treat moved that **HB 2522** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Allen, Ballenger, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, 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 and Wyrick.--40.

Nay: Wilson.--1.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Burrage and Coates.--7.

THIRD READING

HB 2522 was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislowski, Sykes, Treat and Wyrick.--39.

Nay: McAffrey and Wilson.--2.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Burrage and Coates.--7.

The bill passed.

HB 2522 was referred for engrossment.

STANDING COMMITTEE MEMBERSHIP

Pursuant to the provisions of Senate Rule 7-2(B), President Pro Tempore Bingman appointed Senator Ann "AJ" Griffin to the following standing committees:

Appropriations, Energy, Health & Human Services, and Tourism & Wildlife.

GCCA MEMBERSHIP

Pursuant to the provisions of Senate Rule 7-2(B), President Pro Tempore Bingman appointed Senator "AJ" Griffin as a conferee on the General Conference Committee on Appropriations.

GENERAL ORDER

HB 3049 by Sanders of the House and Marlatt of the Senate was called up for consideration.

Senator Marlatt asked to be removed and Senator Griffin asked to be named principal Senate author, and Senator Marlatt asked to coauthor **HB 3049**, which was the order.

Senator Griffin moved that **HB 3049** be advanced, which motion was declared adopted.

THIRD READING

HB 3049 was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, 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.--41.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Burrage and Coates.--7.

The bill passed.

HB 3049 was referred for engrossment.

GENERAL ORDER

HB 2616 by Johnson and Pittman of the House and Sykes of the Senate was called up for consideration.

Senator Sykes asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2616**.

Senator Sykes moved to amend **HB 2616**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Sykes moved that **HB 2616** be advanced, which motion was declared adopted.

THIRD READING

HB 2616 was read for the third time at length.

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

Aye: Allen, Barrington, Brecheen, Brinkley, Brown, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--37.

Nay: Ballenger.--1.

Excused: Adelson, Aldridge, Anderson, Bass, Bingman, Branan, Burrage, Coates, Johnson (R) and Mazzei.--10.

The bill passed.

HB 2616 was referred for engrossment.

GENERAL ORDER

HB 2742 by Peters and Pittman of the House and Sykes of the Senate was called up for consideration.

Senator Sykes asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2742**.

Senator Sykes moved to amend **HB 2742**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Sykes moved that **HB 2742** be advanced, which motion was declared adopted.

THIRD READING

HB 2742 was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--39.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Burrage, Coates, Johnson (R) and Mazzei.--9.

The bill and emergency passed.

HB 2742 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2390 by Liebmann of the House and Bingman of the Senate was called up for consideration.

Senator Bingman moved that **HB 2390** be advanced, which motion was declared adopted.

THIRD READING

HB 2390 was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bingman, Brecheen, Brinkley, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--37.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Brown, Burrage, Coates, Johnson (R), Mazzei and Shortey.--11.

The bill and emergency passed.

HB 2390 was referred for engrossment.

GENERAL ORDER

HB 2391 by Liebmann and Brumbaugh of the House and Bingman and Stanislawski of the Senate was called up for consideration.

Senator Bingman moved that **HB 2391** be advanced, which motion was declared adopted.

THIRD READING

HB 2391 was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols,

Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--39.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Burrage, Coates, Johnson (R) and Mazzei.--9.

The bill passed.

HB 2391 was referred for engrossment.

GENERAL ORDER

HB 2967 by Thomsen et al of the House and Bingman of the Senate was called up for consideration.

Senator Ivester asked to coauthor **HB 2967**, which was the order.

Senator Bingman moved that **HB 2967** be advanced, which motion was declared adopted.

THIRD READING

HB 2967 was read for the third time at length.

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

Aye: Allen, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--38.

Excused: Adelson, Aldridge, Anderson, Ballenger, Bass, Branan, Burrage, Coates, Johnson (R) and Mazzei.--10.

The bill passed.

HB 2967 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HJR 1093 by Steele et al of the House and Bingman et al of the Senate was called up for consideration.

Senator Ivester asked to coauthor **HJR 1093**, which was the order.

Senator Bingman moved that **HJR 1093** be advanced, which motion was declared adopted.

THIRD READING

HJR 1093 was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bingman, Brecheen, Brinkley, Brown, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--38.

Nay: Laster and Lerblance.--2.

Excused: Adelson, Aldridge, Anderson, Bass, Branan, Burrage, Coates and Johnson (R).--8.

The resolution and emergency passed.

HJR 1093 was properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 1060

SB 1505

The above-numbered measures were referred for enrollment.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider whereby **HBs 2119** and **3076** failed.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 25, 2012, at 9:30 a.m., which motion prevailed.

MESSAGE FROM THE GOVERNOR

Advising her approval April 24, 2012, of Enrolled **SBs 1031, 1119, 1450, 1640** and **1940**.

Pursuant to the Schulz motion, the Senate adjourned at 5:15 p.m. to meet Wednesday, April 25, 2012, at 9:30 a.m.