

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, 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.--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.