

# Senate Journal

## Second Regular Session of the Fifty-third Legislature

### of the State of Oklahoma

### Thirty-third Legislative Day, Tuesday, April 3, 2012

The Senate was called to order by Senator David.

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, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—47.

Vacancy: District 20. – 1.

Senator David 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 1164, 1466, 1518, 1592 and 1751** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

#### GENERAL ORDER

**HB 2211** by Peterson of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 2211** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2211** 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, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Adelson, Childers, Laster, Mazzei and Shortey.--5.

Vacancy: District 20.--1.

The bill passed.

**HB 2211** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2580** by McDaniel (Jeannie) of the House and Crain of the Senate was called up for consideration.

Senator Johnson (Constance) asked to coauthor **HB 2580**, which was the order.

Senator Crain moved that **HB 2580** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2580** 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, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Adelson, Childers, Laster, Mazzei and Shortey.--5.

Vacancy: District 20.--1.

The bill passed.

**HB 2580** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2618** by Johnson and Walker of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 2618** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2618** 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Bingman, Childers, Jolley, Laster, Mazzei and Shortey.--7.

Vacancy: District 20.--1.

The bill passed.

**HB 2618** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2285** by Virgin et al of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski moved that **HB 2285** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2285** 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Bingman, Childers, Jolley, Laster, Mazzei and Shortey.--7.

Vacancy: District 20.--1.

The bill and emergency passed.

**HB 2285** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2310** by Grau of the House and Treat of the Senate was called up for consideration.

Senator Treat moved that **HB 2310** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2310** 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Bingman, Childers, Jolley, Laster, Mazzei and Shortey.--7.

Vacancy: District 20.--1.

The bill passed.

**HB 2310** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2499** by Grau of the House and Treat of the Senate was called up for consideration.

Senator Brecheen asked to coauthor **HB 2499**, which was the order.

Senator Treat moved that **HB 2499** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2499** 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Nay: Shortey.--1.

Excused: Adelson, Bingman, Childers, Jolley, Laster and Mazzei.--6.

Vacancy: District 20.--1.

The bill passed.

**HB 2499** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2619** by Johnson and Walker of the House and Treat of the Senate was called up for consideration.

Senator Treat moved that **HB 2619** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2619** 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, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Adelson, Bingman, Jolley and Laster.--4.

Vacancy: District 20.--1.

The bill passed.

**HB 2619** was properly signed and ordered returned to the Honorable House.

### **REQUEST TO RECESS**

Senator Schulz moved that the Senate request the Honorable House to consent to the adjournment of the Senate in the Second Regular Session of the 53<sup>rd</sup> Legislature for a period of more than three days, pursuant to Article 5, Section 30 of the Oklahoma Constitution, beginning on Thursday, April 5, 2012 and ending on Monday, April 9, 2012, which motion was declared adopted.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HJR 1100** and **HCRs 1031** and **1035**.

**HJR 1100** – By Thomsen of the House and David of the Senate.

A Joint Resolution approving permanent rules of the State Board of Examiners of Psychologists; and directing distribution.

**HCR 1031** – By Enns, Wright, Peterson, Roberts (Sean) and Cooksey of the House and Justice of the Senate.

A Concurrent Resolution calling for Congressional oversight of the United States Environmental Protection Agency; specifying matters of concern; and directing distribution.

**HCR 1035** – By Coody, Dorman, Jackson, Cooksey and Banz of the House and Bass of the Senate.

A Concurrent Resolution stating legislative opposition to elimination of certain federal Impact Aid funding; encouraging the United States President and Congress to fully fund federal Impact Aid; encouraging reauthorization of the federal Impact Aid Program; and directing distribution.

The above-numbered measures were read the first time.

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

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

**SB 1309**

**SB 1313**

**SB 1314** – coauthored by Pittman

**SB 1701** – coauthored by Wesselhoft and Bennett

**SCR 33** – coauthored by Wright, Roberts (Sean), Bennett, McCullough, Denney, Billy, Grau, Derby, Hall and Roberts (Dustin)

House amendments were read on the above-numbered bills.

**MESSAGES FROM THE HOUSE**

Advising passage of and returning the following Engrossed bill:

**SB 1228**

**SB 1287** - (Emergency Failed)

**SB 1500**

**SB 1686** - coauthored by Pittman

The above-numbered measure was referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 1164, 1466, 1518, 1592 and 1751**.

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

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 4, 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 2236** – General Government

Ayes: Adelson, Ballenger, Coates, McAffrey

Nays: Aldridge, Brown, Shortey, Treat

**HB 2255** – Public Safety, coauthored by Walker, Ritze, and Hoskin of the House and coauthored by Johnson (Constance) and Shortey of the Senate

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

**HB 2302** – Public Safety

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Sykes

**HB 2318** – Retirement and Insurance

Ayes: Aldridge, Anderson, Brecheen, Brown, Mazzei, Stanislawski, Wilson

**HB 2321** – Retirement and Insurance

Ayes: Aldridge, Anderson, Brecheen, Brown, Mazzei, Stanislawski, Treat, Wilson

**HB 2322** – Retirement and Insurance

Ayes: Aldridge, Anderson, Brecheen, Brown, Stanislawski, Treat, Wilson

**HB 2325** – Public Safety

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

**HB 2329** – Public Safety

Ayes: Ballenger, Barrington, Garrison, Johnson (Constance), Justice, Russell, Sykes

**HB 2364** – Public Safety

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

**HB 2367** – Public Safety, coauthored by Shortey of the Senate

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

**HB 2433** – Public Safety

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

**HB 2516** – Education

Ayes: Brecheen, Childers, Ford, Garrison, Halligan, Holt, Lerblance, Paddack, Stanislawski  
Nays: Eason McIntyre

**HB 2518** – Public Safety, coauthored by Billy of the House

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Sykes

**HB 2715** – Agriculture and Rural Development, coauthored by Wyrick of the Senate

Ayes: Allen, Anderson, Barrington, Bass, Ellis, Fields, Justice, Simpson, Wyrick  
Nays: Sykes

**HB 2750** – Education

Ayes: Branan, Brecheen, Eason McIntyre, Ford, Garrison, Halligan, Holt, Lerblance, Paddack, Stanislawski

**HB 2942** – Public Safety

Ayes: Ballenger, Barrington, Garrison, Johnson (Constance), Justice, Russell, Sykes

**HB 2970** – Education, coauthored by Garrison of the Senate

Ayes: Branan, Brecheen, Childers, Eason McIntyre, Ford, Garrison, Halligan, Holt, Lerblance, Paddack, Stanislawski

DO PASS, As Amended:

**HB 2204** – Business and Commerce

Ayes: Childers, Coates, Ellis, Ford, Halligan, Holt, McAffrey, Newberry

**CS for HB 2250** – Public Safety

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

**HB 2258** – Business and Commerce, coauthored by Coates and McAffrey of the Senate

Ayes: Childers, Coates, Ellis, Halligan, Holt, McAffrey, Newberry, Wyrick

**HB 2356** – Agriculture and Rural Development, coauthored by Wyrick of the Senate

Ayes: Allen, Anderson, Barrington, Bass, Ellis, Fields, Ivester, Simpson, Sykes, Wyrick  
Nays: Justice

**CS for HB 2374** – Public Safety

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

**HB 2495** – Agriculture and Rural Development

Ayes: Allen, Anderson, Barrington, Bass, Ellis, Fields, Justice, Simpson, Sykes, Wyrick

**CS for HB 2522** – Public Safety, coauthored by Moore, Russ, and Mulready of the House and coauthored by Shortey and Sykes of the Senate

Ayes: Barrington, David, Garrison, Justice, Russell, Shortey, Sykes

Nays: Ballenger, Johnson (Constance)

**HB 2525** – Public Safety

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey

Nays: Sykes

**HB 2547** – Public Safety

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

**HB 2578** – General Government

Ayes: Aldridge, Ballenger, Brown, Marlatt, Shortey, Treat

Nays: Adelson, Coates, McAffrey

**CS for HB 2579** – Agriculture and Rural Development, coauthored by Joyner of the House and coauthored by Barrington of the Senate

Ayes: Allen, Anderson, Barrington, Bass, Ellis, Fields, Ivester, Justice, Simpson, Sykes, Wyrick

**HB 2683** – Public Safety

Ayes: Ballenger, Barrington, Garrison, Johnson (Constance), Justice, Russell, Sykes

**HB 2790** – Education

Ayes: Brecheen, Childers, Ford, Halligan, Holt, Paddack, Stanislawski

Nays: Eason McIntyre, Garrison, Lerblance

**CS for HB 2921** – Agriculture and Rural Development, coauthored by Allen of the Senate

Ayes: Allen, Anderson, Barrington, Bass, Fields, Ivester, Justice, Sykes

**CS for HB 2959** – Public Safety, coauthored by Wesselhoft of the House and coauthored by Childers and Shortey of the Senate

Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

**HB 3049** – Public Safety

Ayes: Ballenger, Barrington, David, Johnson (Constance), Justice, Russell, Shortey, Sykes

**HB 3090** – Education

Ayes: Branan, Brecheen, Eason McIntyre, Ford, Garrison, Halligan, Holt, Lerblance, Paddack, Sparks, Stanislawski

**HB 3111** – General Government

Ayes: Aldridge, Ballenger, Brown, Coates, McAffrey, Shortey, Treat

**FIRST READING**

The following was introduced and read the first time:

**SR 48** – By Fields.

A Resolution proclaiming April 4th, 2012, the 16th Annual 4-H Day at the Capitol.

Pursuant to the Schulz motion, the Senate adjourned at 2:20 p.m. to meet Wednesday, April 4, 2012, at 1:30 p.m.