

Senate Journal

Second Regular Session of the Fifty-second Legislature of the State of Oklahoma Sixty-seventh Legislative Day, Thursday, May 27, 2010

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason, McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—48.

Senator Sykes declared a quorum present.

The prayer was offered by Reverend Lorenzo Dunford, Dunford Family Ministries, Weatherford, the guest of Senator Anderson.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 64 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 673, 828, 889, 1040, 1466, 1492, 1503, 1519, 1522, 1714, 1862, 1872, 1900, 1928, 2033, 2130, 2199 and 2253 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 129, 138, 140 and 145 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 2180

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with the conference committee reports thereon, advising adoption of the conference committee reports and passage of the measures as amended:

HB 3054

HB 3338

The conference committee reports were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising further conference granted and naming House conferees to Engrossed:

SB 1600 - Schwartz, Miller, Joyner, Shannon, Hilliard, and Morgan

Advising rejection of CCR, requesting further conference and naming House conferees later to Engrossed:

HB 3379

Returning the following bills, together with the conference committee reports thereon, advising adoption of the conference committee reports and passage of the measures as amended:

SB 1396 (emergency failed)

SB 1537 (emergency failed)

SB 1566 (emergency failed)

SB 2231 - coauthored by Duncan and Tibbs

The above-numbered measures, as amended in conference, were referred for enrollment.

Advising passage of and returning the following Engrossed bills:

SCR 42 - coauthored by Sherrer, Lamons, and Hoskin

SCR 43 - coauthored by Sherrer and Hoskin

SCR 44 - coauthored by Sherrer, Hoskin, and Lamons

SCR 49 - coauthored by all other House Members

SCR 50 - coauthored by all other House Members

The above-numbered measures were referred for enrollment.

Advising naming same House conferees to Engrossed:

HB 3379 - Terrill, Blackwell, Tibbs, McCullough, Christian, Proctor, Roan, and Hoskin

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 2295** was adopted upon motion of Senator Schulz.

HB 2295, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Coffee, Crutchfield, Gumm, Mazzei and Reynolds.--5.

The bill and emergency passed.

HB 2295, together with the conference committee report thereon, was ordered returned to the Honorable House.

GENERAL ORDER

HJR 1089 by Enns et al of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HJR 1089** be advanced, which motion was declared adopted.

THIRD READING

HJR 1089 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--40.

Excused: Brogdon, Brown, Coffee, Crutchfield, Gumm, Leftwich, Mazzei and Reynolds.--8.

The resolution passed.

HJR 1089 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 2258** was adopted upon motion of Senator Jolley.

SB 2258, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Brown, Coffee, Crutchfield, Gumm and Mazzei.--5.

The bill passed.

SB 2258, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 3383** was adopted upon motion of Senator Barrington.

HB 3383, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--41.

Nay: Myers and Sykes.--2.

Excused: Brown, Coffee, Crutchfield, Gumm and Mazzei.--5.

The bill and emergency passed.

HB 3383, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **3RD CCR** on **SB 885** was called up for consideration.

Senator Ivester asked to coauthor **SB 885**, which was the order.

Senator Anderson asked that **SB 885** be laid over temporarily, which was the order.

SB 885 remains on pending consideration of CCR.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1771** was adopted upon motion of Senator Anderson.

SB 1771, as amended in conference, was read at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Excused: Adelson, Brown, Coffee, Crutchfield, Gumm and Reynolds.--6.

The bill and emergency passed.

SB 1771, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

Senator Jolley presiding.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **SB 959** was rejected upon motion of Senator Ford, further conference requested, and same Senate conferees appointed as follows: Jolley, Lamb, Coffee, Johnson (Mike), Burrage.

SENATE RULE SUSPENDED

Senator Ford asked unanimous consent, which was granted, to suspend the provisions of Senate Rule 5-6 as it pertains to time limits for copies to be distributed for consideration.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Lamb, the request of the Honorable House for further conference was ordered granted and same Senate conferees appointed as follows:

HB 2928 – Ford, Stanislawski, Jolley, Halligan, Eason McIntyre
HB 3379 – GCCA

President Pro Tempore Coffee presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3029** was adopted upon motion of Senator Halligan upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski, Sweeden and Sykes.--33.

Nay: Ballenger, Corn, Easley, Eason McIntyre, Ellis, Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Wilson and Wyrick.--13.

Excused: Crutchfield and Gumm.--2.

Senator Johnson (Constance) asked to be removed as coauthor on **HB 3029**, which was the order.

HB 3029, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Stanislawski, Sweeden and Sykes.--39.

Nay: Eason McIntyre, Leftwich, Lerblance, Rice, Sparks, Wilson and Wyrick.--7.

Excused: Crutchfield and Gumm.--2.

The bill passed.

HB 3029, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Jolley presiding.

INTRODUCTIONS

President Pro Tempore Coffee introduced his mother, Linda Coffee; his wife, Lisa; and their children, Collin, Blaine, Anna and Kate, to the Senate.

MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORTS

Transmitting the following bills, together with the conference committee reports thereon, advising adoption of the conference committee reports and passage of the measures as amended:

HB 2331 (2nd CCR) coauthored by Derby

HB 2650 (2nd CCR) (emergency failed) coauthored by McCullough and Walker

HB 2652 (3rd CCR) coauthored by Coates of the Senate and Tibbs, Derby, and Faught of the House

HB 3261 (2nd CCR)

The conference committee reports were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Returning the following bill, together with the conference committee report thereon, advising adoption of the conference committee report and passage of the measure as amended:

SB 1973 - coauthored by Walker and Tibbs

The above-numbered measure, as amended in conference, was referred for enrollment.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1458, 1611, 1964, 2290, 2438, 2462, 2506, 2572, 2658, 2753, 2890, 2920, 2983, 2991, 3267, 3285, 3291 and 3393.**

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

Advising the signing of and transmitting for signature Enrolled **HCR 1050.**

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

Advising passage of and transmitting for consideration Engrossed **HCRs 1063, 1067 and 1068.**

HCR 1063 – By Dorman, Hoskin and Kiesel of the House and Eason McIntyre of the Senate.

A Concurrent Resolution acknowledging the professional accomplishments of Mr. Leon Russell; requesting action be taken for induction of Mr. Leon Russell into the Rock and Roll Hall of Fame; and directing distribution.

HCR 1067 – By DeWitt, Armes, Fields and Ritze of the House and Justice of the Senate.

A Concurrent Resolution urging Congress to protect and support the Capper-Volstead Act and other related federal statutes; and directing distribution.

HCR 1068 – By Faught, Armes, Auffet, Bailey, Banz, Benge, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Duncan, Enns, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiell, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold) and Wright (John) of the House and Brown of the Senate.

A Concurrent Resolution proclaiming August 7, 2010, Oklahoma Purple Heart Day.

The above-numbered measures were read the first time.

Advising further conference granted and naming same House conferees on Engrossed:

SB 959 - Carey, Wright (John), Lamons, Sanders, and Jackson

Advising rejection of 3rd CCR, requesting further conference and naming same House conferees to Engrossed:

HB 2310 - Murphey, Miller, Derby, Cox, Ortega, Scott, Pittman, and Nations

Advising fourth reading of and returning Enrolled **SBs 673, 828, 889, 1040, 1466, 1492, 1503, 1519, 1522, 1714, 1862, 1872, 1900, 1928, 2033, 2130, 2199** and **2253**.

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

Senator Lamb moved that the Senate recess until 1:19 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.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 738 (3rd CCR)

SB 959 (3rd CCR)

SB 1586

SB 1587

SB 1588

SB 1600 (2nd CCR)

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1396, 1537, 1566, 1973 and 2231 and SCRs 42, 43, 44, 49 and 50 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

Senator Lamb moved that the Senate recess to the call of the Chair, which motion was declared adopted.

*

The Senate reconvened with Senator Aldridge presiding.

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

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 2650** was adopted upon motion of Senator Coates.

Senator Branam asked to coauthor **HB 2650**, which was the order.

HB 2650, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Brogdon, Burrage, Coates, Coffee, Crain, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddock, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sykes and Wyrick.--33.

Nay: Ballenger, Corn, Easley, Eason McIntyre, Johnson (C), Laster, Leftwich, Lerblance, Rice, Sweeden and Wilson.--11.

Excused: Branan, Brown, Crutchfield and Gumm.--4.

The bill passed.

HB 2650, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Marlatt presiding.

PENDING CONSIDERATION OF CCR

The **3RD CCR** on **HB 2652** was adopted upon motion of Senator Coates.

Senator Branan asked to coauthor **HB 2652**, which was the order.

HB 2652, as amended in conference, was read at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Bingman, Brogdon, Burrage, Coates, Coffee, Crain, Ford, Garrison, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Stanislawski and Sykes.--29.

Nay: Adelson, Ballenger, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Johnson (C), Laster, Leftwich, Lerblance, Rice, Sparks, Sweeden, Wilson and Wyrick.--16.

Excused: Branan, Brown and Gumm.--3.

The bill passed.

HB 2652, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Aldridge presiding.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Lamb, the request of the Honorable House for further conference was ordered granted and same Senate conferees appointed as follows:

HB 2310 – Sykes, Coffee, Brogdon, Gumm

PENDING CONSIDERATION OF CCR

The **3RD CCR** on **SB 738** was adopted upon motion of Senator Sykes.

Senator Sykes asked to coauthor **SB 738**, which was the order.

SB 738, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Brogdon, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Branan, Brown and Gumm.--3.

The bill and emergency passed.

SB 738, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1586** was adopted upon motion of Senator Johnson (Mike).

SB 1586, as amended in conference, was read at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Brogdon and Russell.--2.

Excused: Adelson, Branana, Brown, Gumm and Mazzei.--5.

The bill and emergency passed.

SB 1586, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1587** was adopted upon motion of Senator Johnson (Mike).

SB 1587, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Brogdon, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Branana, Brown, Corn, Gumm and Mazzei.--5.

The bill and emergency passed.

SB 1587, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1588** was adopted upon motion of Senator Johnson (Mike).

SB 1588, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Brogdon and Russell.--2.

Excused: Branan, Brown, Corn, Gumm and Mazzei.--5.

The bill and emergency passed.

SB 1588, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 2303** was adopted upon motion of Senator Sykes.

SB 2303, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Brown, Gumm and Mazzei.--3.

The bill passed.

SB 2303, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2918** was adopted upon motion of Senator Eason McIntyre.

HB 2918, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Crutchfield, Gumm and Mazzei.--3.

The bill passed.

HB 2918, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1486** was adopted upon motion of Senator Newberry.

SB 1486, as amended in conference, was read at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Corn, Crain, Ford, Halligan, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Stanislawski and Sykes.--30.

Nay: Adelson, Ballenger, Burrage, Easley, Eason McIntyre, Ellis, Garrison, Ivester, Laster, Leftwich, Lerblance, Rice, Sparks, Sweeden, Wilson and Wyrick.--16.

Excused: Crutchfield and Gumm.--2.

The bill passed.

Senators Garrison and Ballenger desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 14; Excused: 2.

The emergency passed.

SB 1486, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

INTRODUCTION

Senator Marlatt introduced his wife, Tatum, and their children, Kade, Kole and Kloey, to the Senate.

Senator Marlatt presiding.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 3261** was adopted upon motion of Senator Crain.

HB 3261, as amended in conference, was read at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brown, Coates, Coffee, Crain, Eason McIntyre, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Schulz, Stanislawski, Sweeden and Sykes.--29.

Nay: Adelson, Ballenger, Brogdon, Burrage, Corn, Easley, Ellis, Garrison, Ivester, Johnson (C), Paddack, Reynolds, Rice, Russell, Sparks, Wilson and Wyrick.--17.

Excused: Crutchfield and Gumm.--2.

The bill passed and the emergency failed.

HB 3261, together with the conference committee report thereon, was ordered returned to the Honorable House.

INTRODUCTIONS

Senator Mazzei introduced his sons, Caleb and Jackson, to the Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3167** was adopted upon motion of Senator Mazzei.

Senator Sparks asked to coauthor **HB 3167**, which was the order.

HB 3167, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Crutchfield and Gumm.--2.

The bill and emergency passed.

HB 3167, together with the conference committee report thereon, was ordered returned to the Honorable House.

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 1409

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1409** was adopted upon motion of Senator Johnson (Mike).

SB 1409, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Nay: Russell.--1.

Excused: Crutchfield and Gumm.--2.

The bill and emergency passed.

SB 1409, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3054** was adopted upon motion of Senator Mazzei.

HB 3054, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Brown, Burrage, Coates, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Justice, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Paddack, Schulz, Sparks, Stanislawski, Sweeden and Wilson.--32.

Nay: Branan, Brogdon, Corn, Crain, Jolley, Lamb, Laster, Nichols, Reynolds, Rice, Russell, Sykes and Wyrick.--13.

Excused: Coffee, Crutchfield and Gumm.--3.

The bill passed.

HB 3054, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **3RD CCR** on **SB 885** was called up for further consideration.

The **3RD CCR** on **SB 885** failed of adoption upon motion of Senator Anderson upon roll call as follows:

Aye: Anderson, Coates, Coffee, Ivester, Sparks and Wilson.--6.

Nay: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Stanislawski, Sweeden, Sykes and Wyrick.--40.

Excused: Crutchfield and Gumm.--2.

The **3RD CCR** on **SB 885** was returned to conference and same Senate conferees appointed as follows: Anderson, Lamb, Coffee, Gumm.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2772** was adopted upon motion of Senator Anderson upon division of the question.

HB 2772, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bingman, Branan, Burrage, Corn, Crain, Easley, Ellis, Ford, Garrison, Halligan, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Nichols, Paddack, Rice, Schulz, Sparks, Sweeden, Wilson and Wyrick.--30.

Nay: Aldridge, Bass, Brogdon, Brown, Coffee, Eason McIntyre, Ivester, Johnson (M), Mazzei, Newberry, Reynolds, Russell, Stanislawski and Sykes.--14.

Excused: Coates, Crutchfield, Gumm and Myers.--4.

The bill passed.

Pursuant to Rule 12-21, Senator Anderson served notice that the vote be reconsidered whereby **HB 2772** passed.

MESSAGE FROM THE HOUSE

Returning the following bills, together with the conference committee reports thereon, advising adoption of the conference committee reports and passage of the measures as amended:

SB 1589, coauthored by Murphey
SB 2163

The above-numbered measures, as amended in conference, were referred for enrollment.

EXECUTIVE NOMINATION

The following executive nomination has been approved by the committee named:

James, Lee, Tulsa, to the Commission on Consumer Credit, to serve an unexpired term ending February 15, 2014, succeeding Mark Kelly. (Committee on Business and Labor)
Motion to confirm made by Senator Mike Mazzei.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Easley, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Coates, Crutchfield, Eason McIntyre, Ellis, Gumm, Myers and Nichols.--7.

GENERAL ORDER

HJR 1088 by Banz of the House and Reynolds of the Senate was called up for consideration.

Senator Reynolds moved that **HJR 1088** be advanced, which motion was declared adopted.

THIRD READING

HJR 1088 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Crutchfield, Ellis and Gumm.--3.

The resolution passed.

HJR 1088 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 2052** was adopted upon motion of Senator Aldridge.

Senator Johnson (Constance) asked to be removed as coauthor on **SB 2052**, which was the order.

SB 2052, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bingman, Branan, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Schulz, Stanislawski and Sykes.--25.

Nay: Ballenger, Bass, Brogdon, Burrage, Corn, Easley, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Lerblance, Paddack, Reynolds, Rice, Russell, Sparks, Sweeden, Wilson and Wyrick.--20.

Excused: Crutchfield, Gumm and Laster.--3.

The bill passed and the emergency failed.

Pursuant to Rule 12-21, Senator Aldridge served notice that the vote be reconsidered whereby the emergency on **SB 2052** failed.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 2331** was adopted upon motion of Senator Stanislawski.

HB 2331, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--41.

Nay: Brogdon, Rice, Russell and Wilson.--4.

Excused: Crutchfield, Gumm and Laster.--3.

The bill passed.

HB 2331, together with the conference committee report thereon, was ordered returned to the Honorable House.

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 1337

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 2180** was adopted upon motion of Senator Newberry.

SB 2180, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Crutchfield, Gumm, Laster, Leftwich and Mazzei.--5.

The bill passed.

SB 2180, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

Senator Stanislawski presiding.

FOURTH READING

HB 2375, considered on Page 1664, was called up for further consideration.

HB 2375, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Nay: Russell.--1.

Excused: Crutchfield, Gumm and Laster.--3.

The bill and emergency passed.

HB 2375, together with the conference committee report thereon, was ordered returned to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Aldridge moved to reconsider the vote whereby the emergency on **SB 2052** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Corn, Ellis, Ford, Garrison, Halligan, Johnson (M), Jolley, Justice, Lamb, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden and Sykes.--35.

Nay: Burrage, Crain, Easley, Eason McIntyre, Ivester, Johnson (C), Lerblance, Rice, Wilson and Wyrick.--10.

Excused: Crutchfield, Gumm and Laster.--3.

FOURTH READING - EMERGENCY

The emergency on **SB 2052** was called up for further consideration.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Easley, Ellis, Ford, Garrison, Halligan, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden and Sykes.--38.

Nay: Crain, Eason McIntyre, Ivester, Lerblance, Rice, Wilson and Wyrick.--7.

Excused: Crutchfield, Gumm and Laster.--3.

The emergency passed.

SB 2052, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2886** was adopted upon motion of Senator Brown.

HB 2886, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Coffee, Crutchfield, Gumm, Lamb, Laster, Mazzei and Reynolds.--7.

The bill passed.

HB 2886, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3338** was adopted upon motion of Senator Sykes.

HB 3338, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Jolley, Justice, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--39.

Excused: Ballenger, Coffee, Crutchfield, Gumm, Johnson (M), Lamb, Laster, Mazzei and Reynolds.--9.

The bill passed.

HB 3338, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **3RD CCR** on **SB 959** was adopted upon motion of Senator Jolley.

SB 959, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Easley, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Leftwich, Lerblance, Myers, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--38.

Nay: Eason McIntyre.--1.

Excused: Coffee, Crutchfield, Gumm, Lamb, Laster, Marlatt, Mazzei, Newberry and Reynolds.--9.

The bill passed.

SB 959, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGES FROM THE HOUSE

Returning the following bills, together with the conference committee reports thereon, advising adoption of the conference committee reports and passage of the measures as amended:

SB 1426

SB 1573

The above-numbered measures, as amended in conference, were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 1396, 1537, 1566, 1973** and **2231**.

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

Advising the signing of and returning Enrolled **SCRs 42, 43, 44, 49** and **50**.

The above-numbered enrolled measures were transmitted to the Secretary of State.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with the conference committee reports thereon, advising adoption of the conference committee reports and passage of the measures as amended:

HB 2432

HB 3311 (3rd CCR) (emergency failed) coauthored by Peterson

The conference committee reports were read on the above-numbered bills.

Senator Jolley moved that when the clerk's desk is clear, the Senate stand adjourned to convene Friday, May 28, 2010, at 9:00 a.m., which motion prevailed.

**BILL RELEASED
TIME EXPIRED TO RECONSIDER**

HB 2772, together with the conference committee report thereon, was ordered returned to the Honorable House.

MESSAGE FROM THE GOVERNOR

Advising his approval May 26, 2010, of Enrolled **SBs 1659** and **1772**.

Pursuant to the Jolley motion, the Senate adjourned at 4:30 p.m. to meet Friday, May 28, 2010, at 9:00 a.m.