

Senate Journal

Second Regular Session of the Fifty-third Legislature of the State of Oklahoma Eighth Legislative Day, Thursday, February 16, 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, Lerblance, Marlatt, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—44.

Excused: Laster and Mazzei.—2.

Vacancy: Districts 20; 46. — 2.

Senator David declared a quorum present.

The prayer was offered by Reverend Jennittie Marshall, Living Sanctuary Evangelistic Ministry, Tulsa, the guest of Senator Eason McIntyre.

INTRODUCTION

Senator Childers introduced his son, Cole Childers, to the Senate.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 988 and **989** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

PENDING CONSIDERATION OF HAS

HAs to SB 138 were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

CHANGE IN COMMITTEE ASSIGNMENTS

The following bills will be reassigned as follows:

SB 1392 – Withdrawn from Rules and referred to Finance

SB 1402 – Withdrawn from Rules and referred to Retirement and Insurance

SB 1404 – Withdrawn from Business and Commerce and referred to Health and Human Services then to Appropriations

SB 1405 – Withdrawn from Health and Human Services and referred to Business and Commerce

SB 1533 – Withdrawn from Rules and referred Appropriations

SB 1780 – Withdrawn from Rules and referred to Judiciary

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1910, 2192, 2494, 2519 and 2658** and **HJR 1082**.

HB 1910 – By Jackson of the House and Anderson of the Senate.

(waters and water rights – amending 82 O.S., Section 1020.16 - commercial drilling and plugging licenses – Well Drillers and Pump Installers Remedial Action Indemnity Fund – noncodification – emergency)

HB 2192 – By Murphey of the House and Anderson of the Senate.

An Act relating to electronic court filings; amending 12 O.S. 2011, Section 696.4, which relates to costs and attorney fees; deleting requests by brief; amending 12 O.S. 2011, Section 3226, which relates to the Oklahoma Discovery Code; permitting electronic filing for protected material; amending 12A O.S. 2011, Section 15-121, which relates to the Uniform Electronic Transactions Act; exempting court filings from rules promulgated by Secretary of State; requiring use of electronic signature; directing procedures adopted by Supreme Court be followed; amending 22 O.S. 2011, Sections 1114.3 and 1114.3A, which relate to filing traffic citations; allowing electronic filing by district attorney; removing requirement of paper copy when filing electronically; amending 43 O.S. 2011, Section 9, which relates to marriage license recording; allowing recording by electronic means as approved by the Supreme Court; amending 51 O.S. 2011, Section 24A.29, which relates to the Oklahoma Open Records Act; permitting electronic filing for protected material; and providing an effective date.

HB 2494 – By Denney of the House and Halligan of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 1210.545, which relates to the Oklahoma School Testing Program annual report; updating statutory citations; adding certain data to be used to determine a high school grade; providing for promulgation of rules; providing that rules require legislative approval; providing an effective date; and declaring an emergency.

HB 2519 – By Nelson, Peterson, Cox, Kern and Tibbs of the House and Anderson of the Senate.

An Act relating to child pornography; amending 21 O.S. 2011, Section 1024.1, which relates to child pornography definitions; modifying certain definitions; amending 74 O.S. 2011, Section 151.1, which relates to the Internet Crimes Against Children unit of the Oklahoma State Bureau of Investigation; authorizing Director of the Oklahoma State Bureau of Investigation to enter into certain local cooperative agreements; providing for the appointment of reserve task force agents; establishing powers and duties of reserve task force agents; providing for the renewal, suspension and revocation of agreements; and providing an effective date.

HB 2658 – By Jordan and Ritze of the House and Bingman of the Senate.

An Act relating to corporations; amending 18 O.S. 2011, Section 1027, which relates to the Oklahoma General Corporation Act; declaring inapplicability of requirement that board of directors be divided into classes under certain circumstances; allowing terms of office for directors be set by bylaws or certificate of incorporation if inapplicable; and declaring an emergency.

HJR 1082 – By Roberts (Sean), Banz, Reynolds, Ritze, Casey, Derby and Enns of the House and Fields of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 12 of Article II of the Constitution of the State of Oklahoma; providing exception to prohibition against dual office holding; providing ballot title; and directing filing.

The above-numbered measures were read the first time.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday February 20, 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:

SB 994 – Transportation, coauthored by Denney (principal House author)
Ayes: Allen, Branana, Holt, Marlatt, Paddack, Stanislawski

SB 1008 – Transportation, coauthored by Bennett (principal House author)
Ayes: Allen, Branana, Holt, Marlatt, Paddack, Stanislawski

SB 1009 – Transportation, coauthored by Lockhart (principal House author), and coauthored by Bennett of the House
Ayes: Allen, Branana, Holt, Marlatt, Paddack, Stanislawski

SB 1059 – Retirement and Insurance, coauthored by Moore (principal House author)
Ayes: Adelson, Aldridge, Brown, Stanislawski, Treat
Nays: Anderson, Bass, Wilson

SB 1069 – Public Safety, coauthored by Cockroft (principal House author)
Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

SB 1119 – Education, coauthored by Faught (principal House author)
Ayes: Branana, Childers, David, Eason McIntyre, Ford, Garrison, Halligan, Lerblance, Paddack, Sparks, Stanislawski

SB 1214 – Retirement and Insurance, coauthored by Moore (principal House author)
Ayes: Adelson, Aldridge, Anderson, Bass, Brecheen, Brown, Crain, Stanislawski, Wilson

SB 1320 – Transportation, coauthored by Derby (principal House author)
Ayes: Allen, Branana, Holt, Marlatt, Paddack, Stanislawski

DO PASS, As Amended:

SB 1071 – Finance, coauthored by Jackson (principal House author)
Ayes: Adelson, Aldridge, Ballenger, Brinkley, Childers, David, Ford, Halligan, Ivester, Mazzei, Russell, Simpson, Sparks, Treat, Wilson

CS for SB 1149 – Transportation, coauthored by Renegar (principal House author)
Ayes: Allen, Branana, Holt, Marlatt, Paddack, Stanislawski

SB 1159 – Finance, coauthored by Sears (principal House author)
Ayes: Adelson, Aldridge, Ballenger, Brinkley, Childers, David, Ford, Halligan, Ivester, Mazzei, Russell, Simpson, Sparks, Treat, Wilson

- SB 1233** – Finance, coauthored by Dank (principal House author)
Ayes: Aldridge, Brinkley, Childers, David, Ford, Halligan, Ivester, Mazzei, Russell, Simpson, Wilson
- SB 1235** – Finance, coauthored by Dank (principal House author)
Ayes: Aldridge, Brinkley, Childers, David, Ford, Halligan, Ivester, Mazzei, Simpson, Wilson
Nays: Russell
- SB 1239** – Judiciary, coauthored by Osborn (principal House author)
Ayes: Brecheen, Crain, Eason McIntyre, Johnson (Rob), Laster, Lerblance, Nichols, Shortey
- SB 1299** – Judiciary, coauthored by Sherrer (principal House author)
Ayes: Brecheen, Crain, Eason McIntyre, Johnson (Rob), Laster, Lerblance, Nichols, Shortey
Nays: Laster, Lerblance
- SB 1352** – Finance, coauthored by Murphey (principal House author)
Ayes: Aldridge, Ballenger, Brinkley, Childers, David, Ford, Halligan, Ivester, Jolley, Mazzei, Russell, Simpson, Sparks, Treat, Wilson
- SB 1367** – Retirement and Insurance, coauthored by Thomsen (principal House author)
Ayes: Adelson, Aldridge, Anderson, Bass, Brecheen, Brown, Crain, Stanislawski, Wilson
- SB 1464** – Finance, coauthored by McNiel (principal House author)
Ayes: Aldridge, Brinkley, Childers, David, Ford, Halligan, Ivester, Mazzei, Russell, Simpson, Wilson
- SB 1465** – Finance, coauthored by McNiel (principal House author)
Ayes: Aldridge, Brinkley, Childers, David, Ford, Halligan, Ivester, Mazzei, Russell, Simpson, Wilson
- SB 1696** – Finance, coauthored by McCullough (principal House author)
Ayes: Brinkley, Childers, David, Ford, Halligan, Ivester, Mazzei, Russell, Simpson, Sparks, Wilson
- SB 1715** – Finance, coauthored by Dank (principal House author)
Ayes: Adelson, Brinkley, David, Ford, Halligan, Mazzei, Simpson, Treat, Wilson
Nays: Aldridge, Childers, Ivester, Russell, Sparks

FAILED:

SB 1078 – Retirement and Insurance

Ayes: Adelson, Brown, Crain, Wilson

Nays: Aldridge, Anderson, Bass, Stanislawski, Treat

SB 1122 – Education

Ayes: Branan, Childers, David, Ford, Halligan,

Nays: Eason McIntyre, Garrison, Lerblance, Sparks, Stanislawski

SB 1648 – Education

Ayes: Branan, Halligan, Sparks

Nays: Childers, David, Eason McIntyre, Ford, Garrison, Lerblance, Paddack,
Stanislawski**COMMITTEE REPORTS**

The following were reported by the committees named and referred to a second committee:

DO PASS:

SB 1179 – Public Safety, coauthored by Derby (principal House author)Ayes: Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey,
Sykes

DO PASS, As Amended:

SB 1399 – Health and Human Services, coauthored by Cox (principal House author)

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Johnson (Rob), Wilson

Nays: Newberry, Russell

SB 1517 – General Government, coauthored by Schwartz (principal House author)

Ayes: Adelson, Aldridge, Ballenger, Brown, Coates, Marlatt

SB 1716 – Agriculture and Rural Development, coauthored by Armes (principal House author)

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

Pursuant to the Schulz motion, the Senate adjourned at 10:00 a.m. to meet Monday February 20, 2012, at 1:30 p.m.