

Senate Journal

Second Regular Session of the Fifty-third Legislature of the State of Oklahoma

Eleventh Legislative Day, Wednesday, February 22, 2012

The Senate was called to order by Senator Marlatt.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, 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, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—46.

Excused: Laster. — 1.

Vacancy: District 20. — 1.

Senator Marlatt declared a quorum present.

The prayer was offered by Reverend Larry Thoma, First Assembly of God, Elgin, the guest of Senator Barrington.

INTRODUCTIONS

Senator Childers introduced his son, Connor, and his sister, Susan Rogers, to the Senate.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1042, 1316 and 1433 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

COMMUNICATION

Senator Marlatt advised the Senate of the Special Election held in District 46 on February 14, 2012, and directed the Clerk to read the Certification from the State Election Board.

February 21, 2012

The Honorable Brian Bingman
 President Pro Tempore, Oklahoma State Senate
 State Capitol
 Oklahoma City, Oklahoma 73105

Dear Senator Bingman:

This is to certify that pursuant to the provisions of 26 O.S. 2011, §12-109, the State Election Board on February 21, 2012, issued a Certificate of Election to Al McAffrey, the nominee of the Democratic Party, for the office of State Senator, District 46.

I herewith transmit to you the official returns of the votes cast at the Special General Election held on February 14, 2012.

| | | | |
|-------------|------------|---------------|-------|
| JASON REESE | Republican | Oklahoma City | 630 |
| AL McAFFREY | Democrat | Oklahoma City | 1,259 |

Sincerely,
 /s/Paul Ziriaux
 State Election Board

OATH OF OFFICE

Senator Marlatt advised the Senate that the official Oath of Office, as prescribed by the Constitution, was administered to Senator Al McAffrey on Wednesday, February 22, 2012, by Justice Yvonne Kauger of the Oklahoma Supreme Court.

MILEAGE ALLOWANCE

The report on mileage as prepared by the Office of the Senate Administrator for Senator Al McAffrey reads as follows:

| Senator | Hometown | Total Miles Round Trip | Amount Round Trip |
|----------------|-----------------|-------------------------------|--------------------------|
| McAffrey, Al | Oklahoma City | | NONE REQUESTED |

CHANGE IN COMMITTEE ASSIGNMENTS

SB 1440 - Withdrawn from Rules and referred to Public Safety and Homeland Security

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2280, 2306, 2310, 2371, 2568** and **2925** and **HCR 1019**.

HB 2280 – By Glenn of the House and Ballenger of the Senate.

An Act relating to county officers; amending 19 O.S. 2011, Section 350, which relates to county commissioners; modifying the date for publishing of holidays; amending 26 O.S. 2011, Section 12-111, which relates to vacancies in county office; modifying filling of vacancy for certain offices; amending 51 O.S. 2011, Section 10, which relates to vacancies; modifying filling of vacancies in certain offices; and providing an effective date.

HB 2306 – By Coody of the House and Halligan of the Senate.

An Act relating to schools; amending 70 O.S. 2011, Section 3-104, which relates to the powers and duties of the State Board of Education; deleting authority and requirement to review school construction and alteration plans; amending 70 O.S. 2011, Section 3-153, which relates to reporting plans to the State Board of Education; amending 70 O.S. 2011, Section 3-156, which relates to local school district assessment; deleting references to the Comprehensive Local Education Plan; amending 70 O.S. 2011, Section 5-117.4, which relates to the school improvement plan; adding certain content to the plan; amending 70 O.S. 2011, Section 18-153, which relates to a four-year capital improvement plan; deleting reference to certain law; amending 70 O.S. 2011, Section 1210.508, which relates to the development and administration of criterion-referenced tests for third through eighth grade; changing manner of recording certain test results on a high school transcript; amending 70 O.S. 2011, Section 1210.508C, which relates to the Reading Sufficiency Act; deleting reference to the Comprehensive Local Education Plan; repealing 70 O.S. 2011, Section 3-104.2, which relates to the Comprehensive Local Education Plan; providing an effective date; and declaring an emergency.

HB 2310 – By Grau of the House and Treat of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2011, Section 339, which relates to county commissioners; modifying general powers of the board of county commissioners; and providing an effective date.

HB 2371 – By Sanders and Walker of the House and Ballenger of the Senate.

An Act relating to public finance; amending 62 O.S. 2011, Section 310.8, which relates to blanket purchase orders; increasing maximum authorized amount of certain blanket purchase orders; and providing an effective date.

HB 2568 – By Wright and Ritze of the House and Sykes of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 11-904, which relates to personal injury accidents; modifying penalty; and providing an effective date.

HB 2925 – By Armes of the House and Marlatt of the Senate.

An Act relating to agriculture; amending 2 O.S. 2011, Sections 6-503 and 6-507, which relate to the Oklahoma Farmed Cervidae Act; authorizing the Oklahoma Department of Agriculture, Food, and Forestry to negotiate reciprocal agreements; prohibiting interstate transportation without a reciprocal agreement; and providing an effective date.

HCR 1019 – By Cox and Walker of the House and Jolley of the Senate.

A Concurrent Resolution naming certain new building the Bryan H. Potter Oklahoma State Board of Pharmacy Building; providing for placement of suitable markers; and directing distribution.

The above-numbered measures were read the first time.

MESSAGE FROM THE HOUSE

Advising rejection of **SAs** to the following bills, requesting conference and naming House Conference Committees as follows:

HB 1464 - Conference Committee on Public Safety, Judiciary and Military Affairs

HB 1465 - Conference Committee on Education

MESSAGE FROM THE HOUSE

Advising the Honorable State Senate that the Oklahoma House of Representatives is ready to convene in Joint Session.

Senator Schulz moved that the Senate meet with the House in Joint Session, and that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, February 23, 2012, at 9:30 a.m., which motion prevailed.

COMMITTEE REPORT

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

DO PASS:

SB 1665 – Judiciary, coauthored by Jordan (principal House author)

Ayes: Brecheen, Crain, Johnson (Rob), Nichols, Shortey, Sykes

Nays: Eason McIntyre, Laster, Lerblance

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

SB 1100 – Transportation, coauthored by Shumate (principal House author)

Ayes: Allen, Branam, Holt, Marlatt, Newberry, Stanislawski

SB 1127 – Business and Commerce, coauthored by Kirby (principal House author)

Ayes: Brinkley, Childers, Coates, Ford, Halligan, Holt, Newberry, Wyrick

SB 1142 – Public Safety, coauthored by Roan (principal House author), and coauthored by Johnson (Constance) of the Senate

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

SB 1191 – Transportation, coauthored by Thomsen (principal House author), and coauthored by Coates of the Senate

Ayes: Allen, Branam, Burrage, Holt, Johnson (Constance), Marlatt, Newberry, Paddack, Stanislawski

SB 1201 – Transportation, coauthored by Ownbey (principal House author)

Ayes: Allen, Branam, Holt, Marlatt, Paddack, Stanislawski

SB 1213 – Retirement and Insurance, coauthored by Moore (principal House author)

Ayes: Adelson, Aldridge, Anderson, Bass, Brecheen, Brown, Crain, Stanislawski, Wilson

SB 1354 – Public Safety, coauthored by Quinn (principal House author)

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

SB 1371 – Retirement and Insurance, coauthored by Virgin (principal House author)
Ayes: Adelson, Aldridge, Anderson, Bass, Brown, Sparks, Stanislawski, Treat, Wilson

SB 1400 – Public Safety, coauthored by Derby (principal House author)
Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

SB 1457 – Transportation, coauthored by Pruett (principal House author)
Ayes: Allen, Branan, Holt, Marlatt, Newberry, Stanislawski

SB 1512 – Retirement and Insurance, coauthored by Ortega (principal House author)
Ayes: Adelson, Aldridge, Anderson, Bass, Brown, Sparks, Stanislawski, Treat, Wilson

SB 1578 – Health and Human Services, coauthored by Faught (principal House author), and coauthored by Johnson (Constance) of the Senate
Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Russell, Wilson

SB 1827 – Business and Commerce, coauthored by Martin (Scott) (principal House author)
Ayes: Brinkley, Childers, Coates, Ford, Holt, Newberry

SB 1828 – Business and Commerce, coauthored by Martin (Scott) (principal House author)
Ayes: Brinkley, Childers, Coates, Ford, Halligan, Holt, Newberry

SB 1834 – Public Safety, coauthored by Hardin (principal House author)
Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Justice, Russell, Shortey, Sykes

SB 1884 – Public Safety, coauthored by Nelson (principal House author)
Ayes: Ballenger, Barrington, David, Garrison, Johnson (Constance), Russell, Shortey, Sykes

DO PASS, As Amended:

CS for SB 992 – Transportation, coauthored by Roberts (Sean) (principal House author)
Ayes: Allen, Branan, Holt, Marlatt, Paddack, Stanislawski

SB 1209 – Business and Commerce, coauthored by Bennett (principal House author)
Ayes: Brinkley, Childers, Coates, Ford, Halligan, Holt, Newberry, Wyrick

SB 1321 – Judiciary, coauthored by Derby (principal House author), and coauthored by Shortey of the Senate

Ayes: Brecheen, Crain, Eason McIntyre, Johnson (Rob), Laster, Lerblance, Nichols, Shortey

SB 1525 – Agriculture and Rural Development, coauthored by Armes (principal House author)

Ayes: Allen, Barrington, Ellis, Fields, Ivester, Justice, Sykes, Wyrick

CS for SB 1649 – Appropriations, coauthored by Armes (principal House author)

Ayes: Brinkley, Crain, Ford, Halligan, Jolley, Justice, Marlatt, Newberry, Stanislawski, Sykes, Wilson, Wyrick

SB 1686 – Business and Commerce, coauthored by Grau (principal House author)

Ayes: Brinkley, Childers, Coates, Ford, Halligan, Holt, Newberry, Wyrick

SB 1714 – Finance, coauthored by Denney (principal House author)

Ayes: Aldridge, Brinkley, Childers, Ford, Halligan, Jolley, Mazzei, Russell, Simpson, Sparks, Treat

Nays: Ballenger, Ivester

SB 1734 – Public Safety, coauthored by Jordan (principal House author)

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

CS for SB 1800 – Appropriations, coauthored by Walker (principal House author)

Ayes: Ballenger, Branan, Brinkley, David, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, Newberry, Stanislawski, Sykes, Wilson, Wyrick

FAILED:

SJR 69 – Appropriations

Ayes: Jolley, Newberry

Nays: Branan, Brinkley, Crain, David, Ford, Halligan, Ivester, Justice, Marlatt, McAffrey, Nichols, Paddock, Stanislawski, Sykes, Wilson, Wyrick

SECOND READING

The following was read for the second time and referred to committee as indicated:

SB 1959 – Joint Committee on Appropriations and Budget

Pursuant to the Schulz motion, the Senate adjourned at 1:55 p.m. to meet Thursday, February 23, 2012, at 9:30 a.m.

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JOINT SESSION

The Second Joint Session of the Second Regular Session of the Fifty-third Legislature was called to order by the President of the Senate, Lieutenant Governor Todd Lamb.

Senator Schulz moved that the attendance roll call of the Senate be considered the attendance roll call of the Senate in Joint Session, which motion was declared adopted.

Representative DeWitt moved that the attendance roll call of the House of Representatives be considered the attendance roll call of the House in Joint Session, which motion was declared adopted.

President Lamb declared quorums of the Senate and House present and Joint Session duly assembled.

The invocation was offered by Bill Davis of the Comanche County Veterans Council.

The Pledge of Allegiance was led by Sergeant at Arms Richard Devine.

Speaker Steele, President Pro Tempore Bingman and Lieutenant Governor Todd Lamb addressed the Joint Session.

Pete Peterson, Veterans Council Chairman, addressed the Joint Session.

Senator Russell introduced the members of the Senate Veterans and Military Affairs committee. Representative Wesselhoft introduced the members of the House Veterans and Military Affairs committee.

The benediction was offered by Bill Davis.

Upon motion of Representative DeWitt, the Joint Session was ordered dissolved at the hour of 2:50 p.m.