

Senate Journal

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

Sixteenth Legislative Day, Thursday, March 1, 2012

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, 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, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—43.

Excused: Adelson, Crain, Laster and Mazzei.—4.

Vacancy: District 20.—1.

Senator Stanislawski declared a quorum present.

The prayer was offered by Dr. Bryan Haynes, College Heights Baptist Church, Chickasha, the guest of Senator Justice.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1065, 1142, 1152, 1159, 1213, 1228, 1230, 1254, 1299, 1380, 1457, 1715, 1817 and **1959** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 1959** was adopted upon motion of Senator Jolley.

Senators Paddack and Sparks asked to coauthor **SB 1959**, which was the order.

SB 1959 was read at length.

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

Aye: Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, 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, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Nay: Anderson.--1.

Excused: Adelson, Aldridge, Crain, Laster and Mazzei.--5.

Vacancy: District 20.--1.

The bill and emergency passed.

SB 1959, together with the joint committee report thereon, was ordered transmitted to the Honorable House.

GENERAL ORDER

SB 1664 by Barrington of the Senate and Johnson of the House was called up for consideration.

Senator Barrington moved that **SB 1664** be advanced, which motion was declared adopted.

THIRD READING

SB 1664 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, Bingman, Branan, Brecheen, Brinkley, Burrage, Childers, Coates, 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, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Adelson, Brown, Crain, Laster and Mazzei.--5.

Vacancy: District 20.--1.

The bill and emergency passed.

SB 1664 was referred for engrossment.

GENERAL ORDER

SB 1834 by Brecheen of the Senate and Hardin of the House was called up for consideration.

Senator Brecheen asked unanimous consent to suspend Senate Rule 12-4 as it pertains to **SB 1834**, to which request objection was heard.

Senator Brecheen asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **SB 1834**.

Senator Brecheen moved to amend **SB 1834**, Page 2, Line 12, by deleting the word “or”; Page 2, Line 16, by inserting after the word “firearms” and before the period “.” the words “; or 7. When living in a motor home or recreational vehicle which has been modified as a semipermanent or permanent residence and not in transport”; Page 3, Lines 3 through 7, by restoring all stricken language and deleting all new language; Page 3, Line 9, by inserting before the word “For” the letter “C.”; Page 3, Line 9, by deleting the word “this”; Page 3, line 9, by inserting after the word “subsection” and before the comma “,” the words “A of this”; Page 3, Line 14, by deleting the letter “C.” and inserting the letter “D.”; and by amending the title to conform, which amendment was declared adopted.

Senator Brecheen moved that **SB 1834** be advanced, which motion was declared adopted.

THIRD READING

SB 1834 was read for the third time at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Childers, Coates, 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, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Adelson, Aldridge, Brown, Crain, Laster and Mazzei.--6.

Vacancy: District 20.--1.

The bill passed.

SB 1834 was referred for engrossment.

GENERAL ORDER

SB 1935 by Schulz of the Senate and DeWitt of the House was called up for consideration.

Senator Ivester asked to coauthor **SB 1935**, which was the order.

Senator Schulz asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **SB 1935**.

Senator Schulz moved to amend **SB 1935**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Schulz moved that **SB 1935** be advanced, which motion was declared adopted.

THIRD READING

SB 1935 was read for the third time at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Aldridge, Crain, Laster, Marlatt, Mazzei and Sykes.--7.

Vacancy: District 20.--1.

The bill passed.

SB 1935 was referred for engrossment.

GENERAL ORDER

SB 1191 by Paddack and Coates of the Senate and Thomsen of the House was called up for consideration.

Senator Paddack moved that **SB 1191** be advanced, which motion was declared adopted.

THIRD READING

SB 1191 was read for the third time at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Treat and Wilson.--39.

Excused: Adelson, Aldridge, Crain, Laster, Marlatt, Mazzei, Sykes and Wyrick.--8.

Vacancy: District 20.--1.

The bill and emergency passed.

SB 1191 was referred for engrossment.

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

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

SJR 25 - Remove Faught and substitute Steele as principal House Author, and coauthored by Faught, Pittman, Condit, Shelton and Tibbs of the House.

House amendments were read on the above-numbered bill.

MESSAGES FROM THE HOUSE

Advising rejection of **CCR** to the following bill, requesting further conference and naming same House conferees as follows:

SB 91 - Conference Committee on Government Modernization and Rules

Advising passage of and transmitting for consideration Engrossed **HBs 2220, 2221, 2225, 2255, 2374, 2440** and **2746** and **HJR 1091**.

HB 2220 – By Faught of the House and Aldridge of the Senate.

An Act relating to sunset; amending 2 O.S. 2011, Section 18-52, which relates to the Oklahoma Peanut Commission; re-creating the Commission; and modifying the termination date.

HB 2221 – By Faught of the House and Aldridge of the Senate.

An Act relating to sunset; amending 2 O.S. 2011, Section 18-301, which relates to the Oklahoma Wheat Utilization, Research and Market Development Commission; re-creating the Commission; and modifying the termination date.

HB 2225 – By Faught of the House and Aldridge of the Senate.

An Act relating to sunset; amending 74 O.S. 2011, Section 245, which relates to the Oklahoma Climatological Survey; re-creating the Survey; and modifying the termination date.

HB 2255 – By Sherrer, Inman, Faught, Bennett, Lockhart, Hilliard, Proctor and McDaniel (Curtis) of the House and Burrage of the Senate.

An Act relating to motor vehicles; creating the Patriot Guard Funeral Procession Act; making certain acts unlawful; providing an exception; stating penalty provision; providing for codification; providing for noncodification; and providing an effective date.

HB 2374 – By Tibbs and Roan of the House and Sykes of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 4-105, which relates to stolen vehicles; providing certain exemption for vehicles towed by wrecker operators; prohibiting the confiscation or removal of towed vehicles under certain circumstances; and providing an effective date.

HB 2440 – By DeWitt, Pittman, Shumate and Stiles of the House and Marlatt of the Senate.

An Act relating to courts; amending 20 O.S. 2011, Sections 92.22 and 92.23, which relate to judges of the district courts; modifying number of district court judges for certain districts; providing for nomination and election; providing an effective date; and declaring an emergency.

HB 2746 – By Kirby, Joyner, McNiel and Pittman of the House and Marlatt of the Senate.

An Act relating to amusements and sports; amending 3A O.S. 2011, Sections 602, 604.1, 604.2, 605, 606, 607, 609, 610, 611, 612, 613, 614, 615, 617 and 619, which relate to the Oklahoma State Athletic Commission; creating the George Clinkscale's Law; defining terms; updating terminology to reflect modification of definitions; modifying Commission membership qualifications; modifying duties of Commission; expanding scope of certain license considerations; prohibiting certain acts; modifying authority to make application for injunctive relief; providing punishment for repeated offenses; providing for noncodification; providing an effective date; and declaring an emergency.

HJR 1091 – By McDaniel (Randy) of the House and Anderson 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 the Constitution of the State of Oklahoma by adding a new Section 13 to Article XXIII; prohibiting enactment of legislation violative of certain laws related to prohibited diversion of pension plan assets; imposing investment standard; requiring funding of pension systems based on actuarially required contribution

amounts; providing exceptions; imposing duty on Legislature with respect to funding standards for purposes of actuarial soundness; requiring professional actuarial investigations; providing ballot title; and directing filing.

The above-numbered measures were read the first time.

EXECUTIVE NOMINATIONS

The following executive nominations were read and referred to the committee indicated:

Atkinson, Gean B., Edmond, as a member of the Oklahoma Tourism and Recreation Commission - Tourism & Wildlife

Baker, Randolph L., Norman, as a member of the Forensic Review Board - Public Safety

Chapman, Adisha T., Ardmore, as a member of the Board of Regents of Murray State College - Education

Clark, Montelle V., Tulsa, as a member of the Air Quality Advisory Council - Energy

Coon, Beverly D., Arcadia, as a member of the State Board of Licensed Social Workers - Health and Human Services

Cotten, M. Phil, Norman, as a member of the Board of Dentistry - Health and Human Services

Gamble, David H., Ponca City, as a member of the Air Quality Advisory Council - Energy

Groendyke, John D., Enid, as a member of the Oklahoma Wildlife Conservation Commission - Tourism and Wildlife

Helms, Kay K., D.V.M., Coalgate, as a member of the Board of Regents of Murray State College - Education

Jackson, Tommy J., Sr., Antlers, as a member of the State Board of Registration of Foresters - Agriculture and Rural Development

Miller, Edwin L., Stillwater, as a member of the State Board of Registration of Foresters - Agriculture and Rural Development

Newsome, P. David, Jr., Tulsa, as a member of the Oklahoma Securities Commission - Finance

Newton, Charles E., Edmond, as a member of the Oklahoma Securities Commission - Finance

Thompson, R.H. "Mick", Edmond, as a member of the State Banking Commissioner - Finance

Tiller, David H., Norman, as a member of the Forensic Review Board - Public Safety

Walker, T. L., Ponca City, as a member of the Oklahoma Tourism and Recreation Commission - Tourism and Wildlife

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 5, 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, As Amended:

SB 1072 – Appropriations

Ayes: Ballenger, Brinkley, David, Ford, Halligan, Ivester, Jolley, Justice, McAffrey, Sykes, Wilson

SB 1179 – Appropriations, coauthored by Ivester of the Senate

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

CS for SB 1222 – Appropriations, coauthored by David of the Senate

Ayes: Ballenger, Brinkley, David, Ford, Halligan, Ivester, Jolley, Justice, McAffrey, Schulz, Sykes, Wilson

SB 1280 – Appropriations, coauthored by Brinkley, David, Ford, Halligan, Stanislawski of the Senate

Ayes: Ballenger, Brinkley, David, Ford, Halligan, Ivester, Jolley, Justice, McAffrey, Newberry, Schulz, Stanislawski, Sykes, Wilson

CS for SB 1297 – Appropriations

Ayes: Ballenger, Branan, Brinkley, Burrage, Crain, David, Ford, Halligan, Jolley, Justice, McAffrey, Newberry, Nichols, Stanislawski, Sykes, Wilson, Wyrick

Nays: Ivester

CS for SB 1328 – Appropriations

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

SB 1336 – Appropriations, coauthored by Ivester of the Senate

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

CS for SB 1381 – Appropriations

Ayes: Ballenger, Brinkley, Crain, David, Ford, Halligan, Ivester, Jolley, Justice, McAffrey, Newberry, Stanislawski, Wilson, Wyrick
Nays: Sykes

SB 1386 – Appropriations

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

SB 1389 – Appropriations

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

SB 1390 – Appropriations

Ayes: Ballenger, Branan, Brinkley, Burrage, Crain, David, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, McAffrey, Newberry, Nichols, Paddack, Stanislawski
Nays: Wilson

SB 1397 – Appropriations

Ayes: Ballenger, Brinkley, Burrage, Crain, David, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, McAffrey, Newberry, Nichols, Paddack, Stanislawski, Wilson, Wyrick

SB 1398 – Appropriations

Ayes: Ballenger, Brinkley, Burrage, Crain, David, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, McAffrey, Newberry, Nichols, Paddack, Stanislawski, Wilson, Wyrick

SB 1409 – Appropriations

Ayes: Ballenger, Brinkley, Burrage, Crain, David, Ford, Halligan, Jolley, Justice, Marlatt, Newberry, Nichols, Paddack, Stanislawski, Sykes
Nays: Ivester, McAffrey, Wilson, Wyrick

SB 1419 – Appropriations, coauthored by Enns (principal House author)

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

CS for SB 1439 – Appropriations

Ayes: Ballenger, Branan, Brinkley, Burrage, Crain, David, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, McAffrey, Newberry, Nichols, Paddack, Stanislawski, Sykes, Wilson, Wyrick

SB 1523 – Appropriations

Ayes: Ballenger, Brinkley, David, Ford, Halligan, Jolley, Justice, Marlatt, Newberry, Nichols, Stanislawski, Sykes, Wyrick

Nays: Crain, Ivester, McAffrey, Wilson

SB 1543 – Appropriations, coauthored by Ivester of the Senate

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

Nays: McAffrey, Wilson

SB 1582 – Appropriations, coauthored by Ivester of the Senate

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

CS for SB 1603 – Appropriations

Ayes: Ballenger, Brinkley, David, Ford, Halligan, Jolley, Justice, McAffrey, Newberry, Stanislawski, Wilson

Nays: Ivester, Sykes

SB 1694 – Appropriations, coauthored by Shortey of the Senate

Ayes: Ballenger, Branan, Brinkley, Burrage, Crain, David, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, McAffrey, Newberry, Nichols, Paddack, Stanislawski, Sykes, Wilson, Wyrick

SB 1716 – Appropriations

Ayes: Branan, Brinkley, Burrage, David, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, McAffrey, Nichols, Stanislawski, Sykes, Wilson, Wyrick

Nays: Ballenger, Crain

SB 1797 – Appropriations

Ayes: Ballenger, Brinkley, Crain, David, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, McAffrey, Newberry, Paddack, Stanislawski, Sykes, Wilson

SB 1816 – Appropriations

Ayes: Ballenger, Branan, Brinkley, Crain, David, Ford, Halligan, Jolley, Justice, Marlatt, Newberry, Paddack, Stanislawski, Sykes

Nays: Ivester, McAffrey, Wilson, Wyrick

SB 1818 – Appropriations

Ayes: Crain, David, Ford, Halligan, Ivester, Jolley, Marlatt, McAffrey, Newberry, Paddack, Stanislawski

Nays: Ballenger, Brinkley, Justice, Sykes, Wilson, Wyrick

SB 1862 – Appropriations

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

SB 1863 – Appropriations, coauthored by David, Ivester of the Senate

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

SB 1866 – Appropriations

Ayes: Ballenger, Brinkley, Crain, David, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, McAffrey, Newberry, Paddack, Stanislawski, Sykes, Wilson

CS for SB 1879 – Appropriations

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

Nays: Ballenger, Ivester, McAffrey, Paddack, Wilson

SB 1890 – Appropriations

Ayes: Ballenger, Brinkley, Crain, David, Ford, Halligan, Ivester, Justice, McAffrey, Newberry, Stanislawski, Wilson, Wyrick

Nays: Jolley, Sykes

SB 1903 – Appropriations, coauthored by Ivester of the Senate

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

Pursuant to the Schulz motion, the Senate adjourned at 10:45 a.m. to meet Monday, March 5, 2012, at 1:30 p.m.