

Senate Journal

First Regular Session of the Fifty-second Legislature of the State of Oklahoma

Sixty-third Legislative Day, Tuesday, May 19, 2009

The Senate was called to order by Senator Myers.

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 Myers declared a quorum present.

The prayer was offered by Pastor Mike Seabaugh, First Baptist Church, Ponca City, the guest of Senator Myers.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 342, 431, 611, 613, 796, 812, 832, 833, 887, 909, 938, 1013, 1066, 1168, 1184 and 1231 and **SCR 26** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 55 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 63
SB 73
SB 81

SB 87
SB 89
SB 107
SB 109
SB 111
SB 118
SB 133
SB 219

Senator Bingman presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 989** was rejected upon motion of Senator Lamb, further conference requested, and same Senate conferees appointed as follows: Anderson, Crain, Jolley, Lamb, Paddack.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Lamb, the request of the Honorable House for further conference on **SB 658** was ordered granted and same Senate conferees appointed as follows: GCCA.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **SB 828** was adopted upon motion of Senator Marlatt.

Senator Sparks asked to coauthor **SB 828**, which was the order.

SB 828, 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, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--43.

Excused: Coffee, Corn, Jolley, Reynolds and Sykes.--5.

The bill passed.

SB 828, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Johnson (Constance) asked unanimous consent to refer **SR 50** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 50 by Johnson (Constance) was called up for consideration.

All other members of the Senate asked to coauthor **SR 50**, which was the order.

SR 50 was adopted upon motion of Senator Johnson (Constance) and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Mazzei asked unanimous consent to refer **SR 62** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 62 by Mazzei was called up for consideration.

All other members of the Senate asked to coauthor **SR 62**, which was the order.

SR 62 was adopted upon motion of Senator Mazzei and referred for enrollment.

INTRODUCTIONS

Senator Mazzei introduced his father, Jim Mazzei; his wife, Noel; and their children, Carissa, Mykaela, Caleb and Jackson, to the Senate.

Senator Nichols introduced his mother, Lyn Nichols; his wife, Talitha; and their daughter, Rachel, to the Senate.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1077, 1307, 1481, 1491, 1592, 1597, 1678, 1717, 1753, 1800, 1837, 1885, 1919, 1963** and **2047**.

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

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

SB 353 (2ND CCR) - coauthored by Tibbs

SB 487 - coauthored by Tibbs and Kern

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Anderson asked unanimous consent to refer **SR 61** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 61 by Anderson and Corn was called up for consideration.

SR 61 was adopted upon motion of Senator Anderson and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Nichols asked unanimous consent to refer **HCRs 1031** and **1034** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1031 by Terrill et al of the House and Nichols of the Senate was called up for consideration.

Senator Gumm and all other members of the Senate asked to coauthor **HCR 1031**, which was the order.

HCR 1031 was adopted upon motion of Senator Nichols and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HCR 1034 by Terrill et al of the House and Nichols of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1034**, which was the order.

HCR 1034 was adopted upon motion of Senator Nichols and properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2252** was adopted upon motion of Senator Sykes.

Senator Gumm asked to coauthor **HB 2252**, which was the order.

HB 2252, 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, 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.

Nay: Johnson (C).--1.

Excused: Coffee.--1.

The bill and emergency passed.

HB 2252, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAs

HAs to SB 844 were called up for consideration.

Senator Branam moved to adopt the HAs to **SB 844**.

Senator Gumm offered a substitute motion to **SB 844** to read as follows:

“I move to SUBSTITUTE the BRANAM MOTION to ACCEPT HOUSE AMENDMENTS to SENATE BILL 844 with the following SUBSTITUTE MOTION:

THAT HOUSE AMENDMENTS BE REJECTED, THE BILL BE REFERRED TO CONFERENCE COMMITTEE with conferees to be named later, and that CONFEREES BE INSTRUCTED as follows:

TO ADD ON PAGE 4, LINE 13 ½ OF THE HOUSE AMENDMENTS NEW SECTIONS 2, 3 AND 4 AS ATTACHED AND BY RENUMBERING SUBSEQUENT SECTIONS.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2100 of Title 21, unless there is created a duplication in numbering, reads as follows:

- A. For purposes of this act:
1. "Ice cream" means any frozen dairy or water-based food product;
 2. "Ice cream truck" means any motor vehicle used for selling, displaying or offering to sell ice cream or any other frozen dairy or frozen water-based food product; and
 3. "Ice cream truck vending" means the selling, displaying or offering to sell ice cream, water-based food product or any other prepackaged food product from an ice cream truck.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2100.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

Any sex offender required to be registered pursuant to the Oklahoma Sex Offenders Registration Act who engages in ice cream truck vending, whether or not licensed in this state as a mobile food unit, shall be, upon conviction, punished by imprisonment in the custody of the Department of Corrections for a term up to two and one-half (2 1/2) years, or by a fine in an amount not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. A sheriff or police officer may arrest without a warrant any person who the officer has probable cause to believe has violated the provisions of this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2100.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

- A. Any company engaged in the business of ice cream truck vending shall conduct an annual name search against the Oklahoma Sex Offender Registry for each ice cream truck operator prior to allowing such person to engage in the business of ice cream truck vending in this state. Each business shall maintain records or other proof that a name search was conducted on each ice cream truck operator, and each person searched has no

requirement to register as a sex offender. Any business entity discovering that a person has operated, or has attempted to operate, an ice cream truck shall report such information to the district attorney. Any person who fails to report information of violations or to comply with records or name search requirements shall be guilty, upon conviction, of a misdemeanor.

B. Individuals engaged in the business of ice cream truck vending who are sole proprietors shall be required to sign, and have in the person's possession while operating an ice cream truck, a notarized statement signed under oath stating that the person is not required to register as a sex offender. The statement shall be renewed annually. Any person who fails to comply with the requirement to have a signed and notarized statement in the person's possession while operating an ice cream truck shall be guilty, upon conviction, of a misdemeanor."

Senator Jolley moved to table the Gumm substitute motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Coates, Coffee, Crain, Ford, Halligan, Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--24.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--22.

Excused: Brown and Johnson (M).--2.

Senator Branan pressed his prior motion to adopt **HAs** to **SB 844**, which motion was declared adopted.

SB 844, as amended by the Honorable House, 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, 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.--47.

Excused: Mazzei.--1.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Sykes asked unanimous consent to refer **SRs 34** and **63** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 34 by Sykes was called up for consideration.

SR 34 was adopted upon motion of Senator Sykes and referred for enrollment.

GENERAL ORDER

SR 63 by Sykes was called up for consideration.

SR 63 was adopted upon motion of Senator Sykes and referred for enrollment.

MESSAGE FROM THE HOUSE

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

SB 1182 - Jordan, Martin (Scott), Watson, Joyner, Sullivan, Proctor, Sherrer, Johnson and Shoemake

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1707** was adopted upon motion of Senator Crain.

HB 1707, 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, 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, Stanislowski, Sweeden, Sykes, Wilson and Wyrick.--48.

The bill passed.

HB 1707, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1474** was adopted upon motion of Senator Jolley.

HB 1474, 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, 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.--47.

Excused: Coffee.--1.

The bill passed.

HB 1474, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2067** was adopted upon motion of Senator Mazzei.

Senators Sparks and Schulz asked to coauthor **HB 2067**, which was the order.

HB 2067, 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Coffee and Newberry.--2.

The bill and emergency passed.

HB 2067, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HJR 1041** was adopted upon motion of Senator Jolley.

HJR 1041, as amended in conference, was read at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddock, Rice, Sparks, Sweeden, Wilson and Wyrick.--22.

The resolution passed.

Pursuant to Rule 12-21, Senator Jolley served notice that the vote be reconsidered whereby **HJR 1041** passed.

HJR 1041 was printed at length as follows:

HJR 1041 – By Bengel and Trebilcock of the House and Jolley 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 1 of Article VII of the Constitution of the State of Oklahoma; requiring Senate confirmation of appointments and reappointments to the Workers' Compensation Court; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 1 of Article VII of the Constitution of the State of Oklahoma to read as follows:

Section 1. The judicial power of this State shall be vested in the Senate, sitting as a Court of Impeachment, a Supreme Court, the Court of Criminal Appeals, the Court on the Judiciary, the ~~State Industrial Workers' Compensation~~ Court, the Court of Bank Review, the Court of Tax Review, and such intermediate appellate courts as may be provided by statute, District Courts, and such Boards, Agencies and Commissions created by the Constitution or established by statute as exercise adjudicative authority or render decisions

in individual proceedings. Provided that the Court of Criminal Appeals, the ~~State Industrial Workers' Compensation~~ Court, the Court of Bank Review and the Court of Tax Review and such Boards, Agencies and Commissions as have been established by statute shall continue in effect, subject to the power of the Legislature to change or abolish said Courts, Boards, Agencies, or Commissions. Municipal Courts in cities or incorporated towns shall continue in effect and shall be subject to creation, abolition or alteration by the Legislature by general laws, but shall be limited in jurisdiction to criminal and traffic proceedings arising out of infractions of the provisions of ordinances of cities and towns or of duly adopted regulations authorized by such ordinances. Any appointment or reappointment, as provided by law, by the Governor to fill a position on the Workers' Compensation Court shall be confirmed by a majority of the Senate.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____

State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend the Oklahoma Constitution. It would amend Section 1 of Article 7. This section deals with judges and justices. This includes judges on the Workers' Compensation Court. This measure will require that the Senate approve any person chosen by the Governor to fill a position on the Workers' Compensation Court.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

MESSAGES FROM THE HOUSE

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

SB 2 - coauthored by Nelson

SB 313 - coauthored by Walker, Duncan and Liebmann

SB 597
SB 643
SB 800

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

Advising conferees unable to agree on the following:

HB 1297

MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORTS

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

HB 1736 (2ND CCR)
HB 2013 (2ND CCR) - remove Miller and substitute Wright (John) as principal House author and coauthored by Duncan
HB 2246

Conference committee reports were read on the above-numbered bills.

Senator Brogdon presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1489** was adopted upon motion of Senator Bingman.

HB 1489, 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, 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, Stanislowski, Sweeden, Sykes, Wilson and Wyrick.--48.

The bill and emergency passed.

HB 1489, together with the conference committee report thereon, was ordered returned to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Jolley moved to reconsider the vote whereby **HJR 1041** passed.

Senator Lamb moved to table the Jolley motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--22.

HJR 1041, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1949** was adopted upon motion of Senator Bingman.

HB 1949, 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, 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, Rice, Russell, Schulz, Sparks, Sweeden, Wilson and Wyrick.--44.

Nay: Brogdon, Reynolds, Stanislawski and Sykes.--4.

The bill passed.

HB 1949, together with the conference committee report thereon, was ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

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

SB 989 - Enns, Duncan, Jordan, Sullivan, Lamons and Inman

Senator Lamb moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Jolley presiding.

Senator Jolley 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 1073 (2ND CCR) – conferees unable to agree

SB 1132 (2ND CCR)

SB 1073 will revert to the status occupied before being sent to conference and will remain on the calendar under "House Amendments to Senate Bills".

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 63** was adopted upon motion of Senator Halligan.

SB 63, 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, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--39.

Nay: Branan, Brogdon, Reynolds and Russell.--4.

Excused: Bingman, Brown, Coffee, Mazzei and Rice.--5.

The bill and emergency passed.

SB 63, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 73** was adopted upon motion of Senator Halligan.

SB 73, 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, Branan, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Brogdon.--1.

Excused: Bingman, Brown, Coffee, Mazzei, Newberry and Rice.--6.

The bill and emergency passed.

SB 73, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 81** was adopted upon motion of Senator Halligan.

SB 81, 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, Branan, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Brogdon and Russell.--2.

Excused: Bingman, Brown, Coffee, Mazzei and Rice.--5.

The bill and emergency passed.

SB 81, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1509** was rejected upon motion of Senator Lamb, further conference requested, and same Senate conferees appointed as follows: Bass, Anderson, Jolley, Crain, Stanislawski, Lamb.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 87** was adopted upon motion of Senator Brogdon.

SB 87, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Nay: Brogdon.--1.

Excused: Anderson, Coffee, Garrison and Rice.--4.

The bill and emergency passed.

SB 87, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 118** was adopted upon motion of Senator Brogdon.

SB 118, 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, 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, Russell, Schulz, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--45.

Nay: Brogdon and Sweeden.--2.

Excused: Rice.--1.

The bill and emergency passed.

SB 118, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 89** was adopted upon motion of Senator Brogdon.

SB 89, 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, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Justice, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Branan, Brogdon, Coates, Jolley and Lamb.--5.

Excused: Coffee and Rice.--2.

The bill and emergency passed.

SB 89, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 133** was adopted upon motion of Senator Crain.

SB 133, 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, Brown, Burrage, Coates, 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, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--42.

Nay: Branan, Brogdon and Sykes.--3.

Excused: Bingman, Coffee and Rice.--3.

The bill and emergency passed.

SB 133, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

FIRST READING

The following was introduced and read the first time:

SR 64 – By Newberry and Eason McIntyre.

A Resolution recognizing the worth of Wayman Tisdale; mourning his loss; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Newberry asked unanimous consent to refer **SR 64** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 64 by Newberry and Eason McIntyre was called up for consideration.

All other members of the Senate asked to coauthor **SR 64**, which was the order.

SR 64 was adopted upon motion of Senator Newberry and referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 107** was adopted upon motion of Senator Brogdon.

SB 107, 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, 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, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Nay: Brogdon.--1.

Excused: Rice and Russell.--2.

The bill and emergency passed.

SB 107, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SB 878 were concurred in upon motion of Senator Johnson (Mike).

SB 878, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, 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, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--43.

Nay: Brogdon and Sykes.--2.

Excused: Aldridge, Rice and Russell.--3.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 109** was adopted upon motion of Senator Brogdon.

SB 109, 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, 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, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Rice and Russell.--2.

The bill and emergency passed.

SB 109, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 111** was adopted upon motion of Senator Brogdon.

SB 111, 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, Brown, Burrage, Coates, 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, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Nay: Brogdon.--1.

Excused: Coffee, Rice and Russell.--3.

The bill and emergency passed.

SB 111, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Justice asked unanimous consent to refer **HCR 1027** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1027 by Enns et al of the House and Justice of the Senate was called up for consideration.

All other members of the Senate, except Senators Wilson, Adelson, Lerblance, Paddack, Corn, Gumm, Johnson (Constance) and Eason McIntyre, asked to coauthor **HCR 1027**, which was the order.

HCR 1027 was adopted upon motion of Senator Justice and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Coates asked unanimous consent to refer **SR 41** and **HCR 1025** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 41 by Coates et al was called up for consideration.

All other members of the Senate asked to coauthor **SR 41**, which was the order.

SR 41 was adopted upon motion of Senator Coates and referred for enrollment.

GENERAL ORDER

HCR 1025 by Morgan et al of the House and Coates of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1025**, which was the order.

HCR 1025 was adopted upon motion of Senator Coates and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Ballenger asked unanimous consent to refer **HCR 1042** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1042 by Smithson of the House and Ballenger of the Senate was called up for consideration.

Senator Gumm and all other members of the Senate asked to coauthor **HCR 1042**, which was the order.

HCR 1042 was adopted upon motion of Senator Ballenger and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Barrington asked unanimous consent to refer **HCR 1041** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1041 by Coody et al of the House and Barrington of the Senate was called up for consideration.

HCR 1041 was adopted upon motion of Senator Barrington and properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **SB 1132** was rejected upon motion of Senator Lamb, further conference requested, and same Senate conferees appointed as follows: Anderson, Lamb, Coffee, Ivester.

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 26**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 342, 431, 611, 613, 796, 812, 832, 833, 887, 909, 938, 1013, 1066, 1168, 1184** and **1231**.

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

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Lamb, the request of the Honorable House for further conference on **SB 1182** was ordered granted and same Senate conferees appointed as follows: Brogdon, Coates, Mazzei, Reynolds, Sykes, Leftwich.

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

*

The Senate reconvened with Senator Bingman presiding.

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

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

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

HB 1156
HB 1164
HB 1178
HB 1186

Conference committee reports were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

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

HB 1509 - Blackwell, Duncan, Jordan, Inman and Morrissette

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

HB 1888 - Richardson, Roan, Morgan, Cox, Faught, Trebilcock, Hickman and Carey

Advising conferees unable to agree on the following:

HB 1935 (2ND CCR)

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1156** was adopted upon motion of Senator Brogdon.

HB 1156, 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Adelson, Coffee, Johnson (M), Mazzei and Russell.--5.

The bill and emergency passed.

HB 1156, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1164** was adopted upon motion of Senator Brogdon.

HB 1164, 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford,

Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Adelson, Coffee, Johnson (M), Mazzei and Russell.--5.

The bill and emergency passed.

HB 1164, together with the conference committee report thereon, was ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

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

HB 1149

HB 1155

HB 1190

Conference committee reports were read on the above-numbered bills.

MESSAGE FROM THE HOUSE

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

SB 1132 - Sherrer, Hilliard, Lamons, Carey, Inman, Sullivan, Jordan, Joyner, Cox, McDaniel (Randy) and Faught

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1178** was adopted upon motion of Senator Brogdon.

HB 1178, 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, 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.--44.

Excused: Adelson, Coffee, Mazzei and Russell.--4.

The bill and emergency passed.

HB 1178, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1186** was adopted upon motion of Senator Brogdon.

HB 1186, 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, 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.--44.

Excused: Adelson, Coffee, Mazzei and Russell.--4.

The bill and emergency passed.

HB 1186, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1190** was adopted upon motion of Senator Brogdon.

HB 1190, 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, 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.--44.

Excused: Adelson, Coffee, Mazzei and Russell.--4.

The bill and emergency passed.

HB 1190, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 219** was adopted upon motion of Senator Halligan.

SB 219, 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, 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.--44.

Nay: Russell.--1.

Excused: Adelson, Coffee and Mazzei.--3.

The bill and emergency passed.

SB 219, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1155** was adopted upon motion of Senator Halligan.

HB 1155, 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, 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.--44.

Excused: Adelson, Brogdon, Coffee and Mazzei.--4.

The bill and emergency passed.

HB 1155, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1149** was adopted upon motion of Senator Halligan.

HB 1149, 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, 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.--43.

Nay: Russell.--1.

Excused: Adelson, Brogdon, Coffee and Mazzei.--4.

The bill and emergency passed.

HB 1149, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAs

HAs to **SJR 27** were concurred in upon motion of Senator Anderson.

SJR 27, as amended by the Honorable House, was read at length.

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

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

Nay: Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

Excused: Adelson and Coffee.--2.

The resolution passed.

Pursuant to Rule 12-21, Senator Anderson served notice that the vote be reconsidered whereby **SJR 27** passed.

SJR 27 was printed at length as follows:

SJR 27 – By Anderson and Jolley of the Senate and Sullivan of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 3 of Article VII-B of the Oklahoma Constitution; modifying the composition of the Judicial Nominating Commission; making language gender neutral; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

SECTION 4. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 3 of Article VII-B of the Oklahoma Constitution to read as follows:

Section 3. (a) There is established as a part of the Judicial Department a Judicial Nominating Commission of ~~thirteen (13)~~ fifteen (15) members, to consist of:

(1) six ~~(6)~~ members to be appointed by the Governor, which shall include at least one (1) from each congressional district established by the Statutes of Oklahoma and existing at the date of the adoption of this Article, none of whom shall be admitted to practice law in the State of Oklahoma or have any immediate family member who has been admitted to the practice of law in the State of Oklahoma or any other state;

(2) six ~~(6)~~ members, which shall include at least one (1) from each congressional district established by the Statutes of Oklahoma and existing at the date of the adoption of this Article who are, however, members of the Oklahoma Bar Association and who have been elected by the other active members of their district under procedures adopted by the Board of Governors of the Oklahoma Bar Association, until changed by statute; and

(3) ~~one (1) member~~ three members at large who shall not have been admitted to the practice of law in the State of Oklahoma or any other state; or have any immediate family member who has been admitted to the practice of law in the State of Oklahoma or any other state but who shall be a resident of the State of Oklahoma, one to be selected by not less than eight (8) members of the Nominating Commission. In the event eight (8) members of the Commission cannot agree upon the member at large within thirty (30) days of the initial organization of the Commission or within thirty (30) days of a vacancy in the member at large position, the Governor shall make the appointment of the member at large; one to be selected by the President Pro Tempore of the Senate; and one to be selected by the Speaker of the House of Representatives. No more than two members at large shall belong to any one political party.

The Commission shall elect one of its members to serve as ~~Chairman~~ chair for a term of one (1) year.

The six ~~(6)~~ lay members of the Commission who are appointed by the Governor shall be appointed within ninety (90) days from the date that this Article becomes effective. Two ~~(2)~~ members shall be appointed for a term of two (2) years, two ~~(2)~~ members for a term of four (4) years, and two ~~(2)~~ members for a term of six (6) years. The Oklahoma Bar Association shall hold its election and certify to the Secretary of State its members within ninety (90) days from the effective date of this Article, two ~~(2)~~ of whom shall be elected for a term of two (2) years, two ~~(2)~~ for a term of four (4) years, and two ~~(2)~~ for a term of six (6) years. Thereafter all of the members of the Commission, whether elected or appointed, shall serve for a term of six (6) years, except that the member at large shall serve for a term of two (2) years.

(b) Vacancies arising during the term of any lay commissioner, other than the member at large, shall be filled by appointment by the Governor for the remainder of his or her term. Vacancies of any lawyer commissioner shall be filled by the Board of Governors of the Oklahoma Bar Association for the remainder of his or her term.

(c) In the event of vacancy in the member at large position, the said vacancy shall be filled in the same manner as the original selection.

(d) Of those Commissioners named by the Governor, not more than three ~~(3)~~ shall belong to any one political party.

(e) The concurrence of the majority of Commissioners in office at the time shall be sufficient to decide any question, unless otherwise provided herein. The Commission shall have jurisdiction to determine whether the qualifications of nominees to hold Judicial Office have been met and to determine the existence of vacancies on the Commission.

(f) No Commissioner, while a member of the Commission, shall hold any other public office by election or appointment or any official position in a political party and he or she shall not be eligible, while a member of the Commission and for five (5) years thereafter, for nomination as a Judicial Officer.

(g) Commissioners shall serve without compensation but the Legislature shall provide funds to reimburse them for their necessary travel and lodging expenses while performing their duties as such Commissioners.

(h) No Commissioner shall be permitted to succeed himself or herself.

(i) As used herein, the words "Oklahoma Bar Association" shall include any successor thereof and any future form of the organized Bar of this state.

SECTION 5. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____

State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

The measure amends Section 3 of Article 7-B of the Oklahoma Constitution. It amends sections that set up the Judicial Nominating Commission. This Commission chooses people to nominate for judge or justice if there is a vacancy. The Commission sends the names of three people to the Governor. The Governor picks

one of the three to fill the vacancy. This amendment would change the number of members on the Commission from thirteen to fifteen. It will allow the President Pro Tempore of the Senate to pick one member and the Speaker of the House of Representatives to pick one member.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 6. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.”

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

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

HB 1139

HB 1198

Conference committee reports were read on the above-numbered bills.

MOTION TO RECONSIDER VOTE

Senator Anderson moved to reconsider the vote whereby **SJR 27** passed.

Senator Lamb moved to table the Anderson motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Crain, Ford, Halligan, Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--24.

Nay: Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

Excused: Adelson, Coffee and Johnson (M).--3.

House amendments on **SJR 27** were properly signed and the above-numbered measure was referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1198** was adopted upon motion of Senator Crain.

HB 1198, 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, Brown, Burrage, Coates, 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.--46.

Excused: Adelson and Coffee.--2.

The bill and emergency passed.

HB 1198, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1139** was adopted upon motion of Senator Halligan.

HB 1139, as amended in conference, was read at length.

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

Aye: Anderson, Ballenger, Barrington, Bass, Bingman, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Sparks, Sweeden, Wilson and Wyrick.--34.

Nay: Aldridge, Branan, Brogdon, Brown, Garrison, Johnson (M), Lamb, Mazzei, Russell, Schulz, Stanislawski and Sykes.--12.

Excused: Adelson and Coffee.--2.

The bill and emergency passed.

HB 1139, together with the conference committee report thereon, was ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

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

HB 1055
HB 1057
HB 1200
HB 1204
HB 1208
HB 2149
HB 2176

Conference committee reports were read on the above-numbered bills.

MESSAGE FROM THE HOUSE

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

SB 432
SB 1181

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

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 885 (2ND CCR) – conferees unable to agree
SB 989 (2ND CCR)
SB 1182 (2ND CCR)

SB 885 will revert to the status occupied before being sent to conference and will remain on the calendar under "House Amendments to Senate Bills".

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 20, 2009, at 10:00 a.m., which motion prevailed.

**BILLS RELEASED
TIME EXPIRED TO RECONSIDER**

HBs 1021, 1035 and 1739, together with the conference committee reports thereon, were ordered returned to the Honorable House.

FIRST READING

The following was introduced and read the first time:

SR 65 – By Johnson (Constance) and Eason McIntyre.

A Resolution acknowledging the unique and rich contributions of the Cherokee Freedmen to the State of Oklahoma; celebrating their 142nd year of citizenship in the Cherokee Nation; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval May 19, 2009, of Enrolled **SBs 789 and 1153**.

Pursuant to the Lamb motion, the Senate adjourned at 5:25 p.m. to meet Wednesday, May 20, 2009, at 10:00 a.m.