

Senate Journal

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

Thirtieth Legislative Day, Tuesday, March 23, 2010

The Senate was called to order by Senator Jolley.

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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—47.

Excused: Mazzei.—1.

Senator Jolley declared a quorum present.

The prayer was offered by Senator Jolley.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCR 1055**.

HCR 1055 – By Lamons, Armes, Auffet, Bailey, Banz, Bengé, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold) and Wright (John) of the House and Eason McIntyre of the Senate.

A Concurrent Resolution recognizing the importance of finding the cause and cure for multiple sclerosis; expressing appreciation to the Oklahoma Chapter of the National Multiple Sclerosis Society for its work; proclaiming March 2010 as Multiple Sclerosis Awareness Month; and providing for distribution.

The above-numbered measure was read the first time.

Advising passage of and returning the following Engrossed resolutions:

SCR 46 - coauthored by all other House members

SCR 48 - coauthored by all other House members

The above-numbered measures were referred for enrollment.

Senator Lamb moved that the Senate recess until 1:15 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.

GENERAL ORDER

HJR 1054 by Ritze et al of the House and Brogdon and Sykes of the Senate was called up for consideration.

Senators Jolley, Aldridge, Stanislawski, Lamb, Ford, Halligan, Bingman, Barrington, Schulz, Johnson (Mike), Reynolds, Branan, Brown, Newberry, Russell, Justice, Coffee, Anderson, Nichols, Coates, Marlatt, Myers and Crain asked to coauthor **HJR 1054**, which was the order.

Senator Brogdon moved to suspend Senate Rule 12-4 as it pertains to **HJR 1054**, which motion was declared adopted upon roll call as follows:

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

Nay: Crutchfield, Eason McIntyre, Johnson (C), Rice, Sweeden and Wilson.--6.

Excused: Mazzei.--1.

Senator Brogdon moved to amend **HJR 1054**, Page 1, by striking the resolving clause.

Senator Laster raised a point of order that he had filed two floor amendments that had been filed and stamped at 1:10 p.m. today. They were labeled FA1 and FA2, so the Brogdon amendment would be out of order.

The Chair ruled that the Brogdon amendment was handwritten and turned in this morning according to the Secretary's desk. The Chair also stated that pursuant to Senate Rule 12-4C the Brogdon amendment was in order.

Senator Brogdon pressed adoption of his previous amendment to strike the resolving clause, which amendment was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, 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, Paddock, Rice, Sparks, Sweeden, Wilson and Wyrick.--22.

Excused: Coates and Mazzei.--2.

Senator Laster moved to amend **HJR 1054**, Page 4, Line 23, by inserting a new Section 4 to read as follows:

“SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of July 27, 2010, at which time the proposed amendment to the Oklahoma Constitution, as set forth in SECTION 1 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.”, which amendment failed of adoption upon roll call as follows:

Aye: 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.

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

Excused: Mazzei.--1.

Senator Laster moved to amend **HJR 1054**, Page 1, by restoring the title, which amendment was declared adopted upon roll call 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.

Senator Brogdon moved that **HJR 1054** be advanced, which motion was declared adopted.

THIRD READING

HJR 1054 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Stanislawski, Sykes and Wyrick.--36.

Nay: Adelson, Ballenger, Crutchfield, Eason McIntyre, Garrison, Johnson (C), Lerblance, Rice, Sparks, Sweeden and Wilson.--11.

Excused: Mazzei.--1.

The resolution passed.

HJR 1054 was referred for engrossment.

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 1405

SB 1406

SB 1407

SB 1408

SB 1409
SB 1410
SB 1411
SB 1412
SB 1413
SB 1414
SB 1415
SB 1416
SB 1417
SB 1418
SB 1419
SB 1420
SB 1421
SB 1422
SB 1423
SB 1424
SB 1425
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SB 1447
SB 1448
SB 1449
SB 1450
SB 1451
SB 1452
SB 1453
SB 1454
SB 1455
SB 1456

SB 1457
SB 1458
SB 1459
SB 1460
SB 1461
SB 1462
SB 1463
SB 1464
SB 1465
SB 1466
SB 1467
SB 1468

House amendments were read on the above-numbered bills.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Anderson asked unanimous consent to refer **SR 100** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 100 by Anderson was called up for consideration.

All other members of the Senate asked to coauthor **SR 100**, which was the order.

SR 100 was adopted upon motion of Senator Anderson and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Wyrick asked unanimous consent to refer **SR 96** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 96 by Wyrick was called up for consideration.

All other members of the Senate asked to coauthor **SR 96**, which was the order.

SR 96 was adopted upon motion of Senator Wyrick and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Johnson (Constance) asked unanimous consent to refer **SCR 34** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 34 by Johnson (Constance) of the Senate was called up for consideration.

Representative McDaniel (Randy) asked to be named principal House author on **SCR 34**, which was the order.

All other members of the Senate asked to coauthor **SCR 34**, which was the order.

SCR 34 was adopted upon motion of Senator Johnson (Constance) and referred for engrossment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Johnson (Constance) asked unanimous consent to refer **SR 99** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 99 by Johnson (Constance) was called up for consideration.

All other members of the Senate, except Senators Jolley, Marlatt, Nichols, Schulz, Branam, Bingman, Sykes, Stanislawski, Barrington, Ford, Lamb, Justice, Russell, Anderson, Coffee, Newberry, Brogdon, Myers, Brown, Aldridge, Coates, Halligan, Johnson (Mike), Crain, Mazzei and Reynolds, asked to coauthor **SR 99**, which was the order.

SR 99 was adopted upon motion of Senator Johnson (Constance) and referred for enrollment.

MESSAGE FROM THE HOUSE

Advising the naming of House conferees on Engrossed:

HB 2485 - GCCA

EXECUTIVE NOMINATIONS

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

Andoe, Bill, Tulsa, as a member of the Oklahoma Arts Council – Education

Barnes, Sherrie L., Sand Springs, as a member of the Board of Trustees of the Teachers' Retirement System of Oklahoma – Retirement

Cassidy, Mike, Frederick, as a member of the Environmental Quality Board - Energy and Environment

Cassil, Larry Jr., Oklahoma City, as a member of the State Board of Licensed Social Workers - Health and Human Services

Mocha, Larry, Tulsa, as a member of the Board of Trustees for Oklahoma State University/Tulsa – Education

Rooney, Patrick T., Oklahoma City, as a member of the Oklahoma Student Loan Authority – Education

Scott, Stephen, Mangum, as a member of the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park - Education

Senator Bingman moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, March 24, 2010, 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:

HB 2290 – General Government

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Johnson (Mike), Sweeden

HB 2299 – Education

Ayes: Branan, Brown, Corn, Easley, Eason McIntyre, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

HB 2653 – General Government

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Johnson (Mike), Sweden

HB 2747 – Education

Ayes: Branan, Brown, Corn, Easley, Eason McIntyre, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

HB 2750 – Education, coauthored by Fields of the House

Ayes: Branan, Brown, Corn, Easley, Eason McIntyre, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

HB 2854 – Education

Ayes: Branan, Brown, Corn, Easley, Eason McIntyre, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

HB 3026 – Education

Ayes: Brown, Corn, Easley, Eason McIntyre, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

HB 3126 – Education

Ayes: Branan, Brown, Corn, Easley, Eason McIntyre, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

HB 3242 – General Government

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Mike), Sweden
Nays: Johnson (Constance)

HB 3313 – General Government

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Johnson (Mike), Sweden

DO PASS, As Amended:

CS for HB 2277 – General Government

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Johnson (Mike), Sweden

HB 2296 – Education

Ayes: Branan, Brown, Corn, Easley, Eason McIntyre, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

HB 2574 – General Government

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Johnson (Mike), Sweden

HB 2575 – Education

Ayes: Brown, Corn, Easley, Eason McIntyre, Ford, Gumm, Jolley, Lerblance, Paddack, Reynolds, Stanislawski

HB 2584 – Education

Ayes: Brown, Corn, Easley, Eason McIntyre, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

HB 3055 – General Government

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Johnson (Mike)

Nays: Sweeden

Pursuant to the Bingman motion, the Senate adjourned at 3:15 p.m. to meet Wednesday, March 24, 2010, at 1:30 p.m.