

Senate Journal

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

Forty-eighth Legislative Day, Tuesday, April 27, 2010

The Senate was called to order by Senator Sykes.

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 Sykes declared a quorum present.

The prayer was offered by Reverend Connie J. Gibson, Southern Hills United Methodist Church, Oklahoma City, the guest of Senator Leftwich.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 57 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 747, 1289, 1713, 1864, 1910 and 1917 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAS

HAs to SB 1373, 1599, 1600, 1818 and 1836 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to **SB 1329** were concurred in upon motion of Senator Bass.

Senator Russell asked to coauthor **SB 1329**, which was the order.

SB 1329, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, 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.--47.

Excused: Anderson.--1.

The bill passed.

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

Senator Jolley presiding.**PENDING SENATE ACTION -VETO OVERRIDE OF HB 2780**

Senator Sykes moved that **HB 2780** become law notwithstanding the veto of the Governor, which motion was declared adopted upon roll call as follows:

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

Nay: Adelson, Ballenger, Crutchfield, Eason McIntyre, Johnson (C), Leftwich, Lerblance, Rice, Sparks, Sweeden, Wilson and Wyrick.--12.

The presiding officer declared that by a constitutional three-fourths vote of the members elected to and constituting the Senate, the Governor's veto of **HB 2780** has been overridden.

Enrolled **HB 2780** was ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SBs 1070, 1793, 1858, 1903, 2070, 2127 and 2291 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

PENDING SENATE ACTION -VETO OVERRIDE OF HB 2656

Senator Crain moved that **HB 2656** become law notwithstanding the veto of the Governor, which motion was declared adopted upon roll call as follows:

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

Nay: Adelson, Ballenger, Crutchfield, Eason McIntyre, Johnson (C), Leftwich, Lerblance, Rice, Sparks, Sweeden, Wilson and Wyrick.--12.

The presiding officer declared that by a constitutional three-fourths vote of the members elected to and constituting the Senate, the Governor's veto of **HB 2656** has been overridden.

Enrolled **HB 2656** was ordered returned to the Honorable House.

Senator Sykes presiding.

PENDING CONSIDERATION OF HAS

HAs to SB 1712 were concurred in upon motion of Senator Anderson upon roll call as follows:

Aye: Adelson, Anderson, Bass, Bingman, Branan, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Halligan, Johnson (C), Johnson (M), Jolley, Lamb, Laster, Leftwich, Marlatt, Mazzei, Myers, Newberry, Paddack, Rice, Sparks, Stanislawski and Wilson.--30.

Nay: Aldridge, Ballenger, Barrington, Brogdon, Corn, Ellis, Garrison, Gumm, Ivester, Justice, Nichols, Reynolds, Russell, Schulz, Sweeden, Sykes and Wyrick.--17.

Excused: Lerblance.--1.

SB 1712, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Anderson, Bass, Bingman, Branan, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Halligan, Johnson (C), Johnson (M), Jolley, Laster, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Sparks, Stanislawski and Wilson.--29.

Nay: Aldridge, Ballenger, Barrington, Brogdon, Brown, Corn, Ellis, Garrison, Gumm, Ivester, Justice, Reynolds, Russell, Schulz, Sweeden, Sykes and Wyrick.--17.

Excused: Lamb and Lerblance.--2.

The bill passed.

Pursuant to Rule 12-21, Senator Gumm served notice that the vote be reconsidered whereby **SB 1712** passed.

MESSAGES FROM THE HOUSE

Advising the naming of House conferees to Engrossed:

HB 2300 - Banz, Coody, Sears, Proctor, and Inman

HB 2345 - Richardson, DeWitt, Armes, Fields, Renegar, Kouplen, and Wright (Harold)

HB 2395 - Liebmann, Martin (Scott), Martin (Steve), Pruett, Hickman, Denney, Schwartz, Shannon, Miller, Carey, and Luttrell

HB 2628 - Jones, DeWitt, Armes, Thomsen, Scott, and Dorman

HB 2631 - Johnson, Collins, Hoskin, McCullough, Osborn, Ritze, Roan, and Tibbs

HB 2648 - Nelson, Peterson, Rousselot, Ortega, and McDaniel (Jeannie)

HB 2658 - Sullivan, McDaniel (Randy), Liebmann, Peters, Moore, Morgan, and Carey

HB 2778 - Steele, Morrisette, Billy, Armes, and Rousselot

HB 2836 - Sears, Coody, Denney, Nelson, Miller, Shumate, and Lamons

HB 2883 - Luttrell, Hoskin, Glenn, Christian, Armes, McNiel, and Kirby

HB 2929 - Coody, Billy, Dorman, Scott, and Denney

HB 2944 - Jordan, Duncan, Sullivan, McCullough, Inman, and Proctor

HB 2973 - Sanders, Thompson, Watson, Morgan, Rousselot, and Martin (Steve)

HB 2999 - Steele, McDaniel (Jeannie), Hickman, McCullough, Pruett, and DeWitt

HB 3160 - Osborn, Armes, DeWitt, Holland, Scott, Hilliard, Fields, and Enns

HB 3339 - Christian, Terrill, Kouplen, McCullough, and Tibbs

HB 3341 - Christian, Terrill, McCullough, Proctor, and Tibbs

HB 3342 - Christian, Terrill, McCullough, Morrisette, and Tibbs

Advising conference granted and naming House conferees on Engrossed:

SB 1132 - Sherrer, Trebilcock, Sullivan, Duncan, Jordan, McDaniel (Randy), Hilliard, Lamons, and Carey

SB 1267 - Hickman, Ownbey, Enns, Brannon, Miller, and Carey

SB 1280 - Peters, Liebmann, Denney, Peterson, Rousselot, and McDaniel (Jeannie)

SB 1303 - Liebmann, Martin (Scott), Pruett, Martin (Steve), Hickman, Denney, Schwartz, Proctor, and Kouplen

SB 1365 - Russ, Sears, Richardson, Pruett, and Smithson

SB 1592 - Wright (Harold), Thomsen, Fields, McDaniel (Randy), Denney, Sears, Dorman, Walker, and Morgan

SB 1617 - Denney, Kern, Coody, Cooksey, Nations, McDaniel (Jeannie), and Hilliard

SB 1881 - McNeil, Denney, Jordan, Trebilcock, Wright (Harold), Kouplen, and Scott

SB 1961 - Sullivan, Duncan, Jordan, McCullough, Morrisette, and Lamons

SB 1998 - Jordan, McCullough, Derby, Proctor, and Lamons

SB 2034 - Sullivan, Coody, Kern, Jones, McDaniel (Jeannie), and Cannaday

SB 2179 - Thompson, Shannon, Liebmann, Watson, Rousselot, Shoemake, and Jackson

PENDING CONSIDERATION OF HAS

HAs to SBs 1816 and 1901 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 747, 1289, 1713, 1864, 1910** and **1917**.

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

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later as follows:

HB 1043

HB 2811

HB 3258

HB 3261

HB 3285

HB 3289

HB 3291

HB 3397

Advising concurrence in **SAs** to and passage of Engrossed **HB 2556**.

Advising rejection of **CCR** to **HB 1747**, requesting further conference and House conferees to be named later.

SCs NAMED

Upon motion of Senator Lamb, Senate conferees were appointed as follows:

SB 421 – Stanislawski, Ford, Jolley, Branan, Johnson (Mike), Paddack

SB 959 – Jolley, Lamb, Coffee, Johnson (Mike), Burrage

SB 1284 – GCCA

SB 1784 – GCCA

SB 1889 – Stanislawski, Aldridge, Brown, Mazzei, Russell, Sparks

SB 1964 – Ford, Coates, Lamb, Crain, Leftwich

SB 2109 – GCCA

SB 2129 – Stanislawski, Ford, Jolley, Halligan, Eason McIntyre

SB 2163 – Paddack, Coffee, Lamb, Johnson (Mike)

SB 2218 – GCCA

SB 2319 – GCCA

EXECUTIVE NOMINATIONS

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

Barron, Randall, Bixby, as a member of the Organ Donor Education and Awareness Program Advisory Council - Health and Human Services

Holzbeierlein, Anne T., Edmond, as a member of the Oklahoma State Bureau of Investigation Commission - Judiciary

Lester, Andrew W., Edmond, as a member of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges - Education

McColl, Lynda Carole, Mustang, as a member of the Board of Regents for Redlands Community College - Education

Ryan, Charles V., Oklahoma City, as a member of the Polygraph Examiners Board - Judiciary

Weitzenhoffer, Aaron Max, Jr., Norman, as a member of the Board of Regents of the University of Oklahoma - Education

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 28, 2010, at 9:30 a.m., which motion prevailed.

FIRST READING

The following was introduced and read the first time:

SCR 60 – By Halligan of the Senate and Denney and Williams of the House.

A Concurrent Resolution congratulating Miss Ali Aufleger upon her selection as 2010 Oklahoma's Junior Miss; wishing her well in national competition; and directing distribution.

MESSAGES FROM THE GOVERNOR

Advising his approval April 26, 2010, of Enrolled **SB 1921**.

Advising his veto April 26, 2010, of Enrolled **SBs 1685** and **2008**.

The veto messages read as follows:

April 26, 2010

To the Honorable President Pro Tempore
and Members of the Oklahoma Senate
Second Session of the Fifty Second Oklahoma Legislature

ENROLLED SB 1685

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 and 12 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 1685. As a strong supporter of the 2nd Amendment and the holder of an A rating from the National Rifle Association, I have consistently supported and approved legislation that preserves and strengthens an individual's constitutional right to bear arms. Senate Bill 1685 does nothing to enhance 2nd Amendment protections and its unintended consequences are more likely to produce benefits for criminals in Oklahoma and potentially disastrous results for the state's law enforcement officers and law-abiding citizens. By exempting Oklahoma-manufactured guns and ammunitions from federal law, SB 1685 would enable criminals to obtain a wide array of weaponry, *including fully automatic machine guns*, without undergoing a simple criminal background check or meeting other basic federal requirements. Oklahoma would likely become a safe haven for domestic and international offenders seeking to elude federal gun safeguards and obtain weapons of all kinds. In the final analysis, SB 1685 would endanger law enforcement officers and citizens without doing anything to strengthen

an individual's right to bear arms. Furthermore, because there is no way to ensure Oklahoma-manufactured weapons will remain in the state, this legislation violates the interstate commerce clause and is unconstitutional. Any state effort to selectively ignore federal laws will certainly draw a legal challenge and result in a costly court battle that the state cannot win.

By the Governor of the State of Oklahoma
/s/Brad Henry

April 26, 2010

To the Honorable President Pro Tempore
and Members of the Oklahoma Senate
Second Session of the Fifty Second Oklahoma Legislature

ENROLLED SB 2008

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 and 12 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 2008. To ensure that voters have the best possible information to make a decision, it is critical to have a clear, concise and unbiased ballot title in the consideration of a state question. At a time when the Oklahoma Legislature is submitting more and more questions to voters for their decisions, the ballot title has become even more important. For many years, an entity independent of the legislative process, the attorney general's office, has effectively and efficiently performed the task of writing ballot titles without the concern or appearance of bias for or against any particular question. By essentially transferring this authority to the legislative leadership, Senate Bill 2008 removes the independent arbiter from this process and allows lawmakers who have already cast a ballot for or against a particular proposal to craft the ballot language that will ultimately help voters decide its fate. This change will undoubtedly lead to the appearance of and possible charges of bias in the ballot title process. Because the current system is functioning appropriately, there is no reason to change it.

By the Governor of the State of Oklahoma
/s/Brad Henry

Pursuant to the Lamb motion, the Senate adjourned at 11:30 a.m. to meet Wednesday, April 28, 2010, at 9:30 a.m.