

# Senate Journal

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

Seventh Legislative Day, Wednesday, February 15, 2012

The Senate was called to order by Senator Jolley.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—44.

Excused: Laster and Russell.—2.

Vacancy: Districts 20; 46. — 2.

Senator Jolley declared a quorum present.

The prayer was offered by Reverend Jennittie Marshall, Living Sanctuary Evangelistic Ministry, Tulsa, the guest of Senator Eason McIntyre.

### INTRODUCTION

Senator Sykes introduced his father, David Sykes, to the Senate.

### GENERAL ORDER

**SB 1433** by Crain of the Senate and Billy of the House was called up for consideration.

Senators Russell, Marlatt, David, Justice, Childers, Simpson, Brown, Barrington, Halligan, Anderson, Stanislawski, Sykes, Newberry, Ford, Schulz, Bingman, Brecheen, Shortey, Allen, Holt, Treat, Brinkley, Jolley, Mazzei, Fields, Nichols, Johnson (Rob) and Representative Vaughan asked to coauthor **SB 1433**, which was the order.

Senator Crain moved that **SB 1433** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1433** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.—34.

Nay: Ballenger, Bass, Eason McIntyre, Johnson (C), Lerblance, Sparks, Wilson and Wyrick.—8.

Excused: Adelson, Coates, Laster and Russell.—4.

Vacancy: Districts 20; 46. – 2.

The bill passed.

Pursuant to Rule 12-21, Senator Crain served notice that the vote be reconsidered whereby **SB 1433** passed.

### **CHANGE IN COMMITTEE ASSIGNMENTS**

The following bills will be reassigned as follows:

**SB 448** – Withdrawn from Rules and referred to Public Safety

**SB 456** – Withdrawn from Rules and referred to Finance

### **MESSAGE FROM THE HOUSE**

Advising the Honorable Senate that the House requests the return of **SJR 25** for further consideration.

## RECALLED FROM ENGROSSING AND ENROLLING

**SJR 25** was recalled from Senate Engrossing and Enrolling and returned to the House for further consideration.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2211, 2364, 2579** and **2748**.

**HB 2211** – By Peterson of the House and Crain of the Senate.

An Act relating to county commissioners; amending 65 O.S. 2011, Section 154, which relates to the City-County Library Act; allowing chairman of the board of county commissioners to designate certain person to serve in place of the chairman; and providing an effective date.

**HB 2364** – By Billy, Inman and Ritze of the House and Childers of the Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2011, Section 21, which relates to contraband in jails or prisons; providing for the disposal of certain contraband; and providing an effective date.

**HB 2579** – By Mulready, Pittman and Ritze of the House and Brinkley of the Senate.

An Act relating to agriculture; amending 2 O.S. 2011, Section 16-26, which relates to emergency drought conditions; modifying definition of extreme fire danger; and providing an effective date.

**HB 2748** – By Kirby, Pittman and Ritze of the House and Johnson (Rob) of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2011, Section 858-715, which relates to the Oklahoma Certified Real Estate Appraisers Act; modifying application process for reciprocity; and providing an effective date.

The above-numbered measures were read the first time.

## GENERAL ORDER

**SB 988** by Schulz and Barrington of the Senate and DeWitt of the House was called up for consideration.

Senator Fields asked to coauthor **SB 988**, which was the order.

Senator Schulz moved that **SB 988** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 988** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislowski, Sykes, Treat and Wyrick.—36.

Nay: Childers and Shortey. —2.

Excused: Adelson, Aldridge, Bingman, Coates, Laster, Mazzei, Russell and Wilson.—8.

Vacancy: Districts 20; 46. — 2.

The bill and emergency passed.

**SB 988** was referred for engrossment.

**GENERAL ORDER**

**SB 989** by Schulz and Barrington of the Senate and DeWitt of the House was called up for consideration.

Senator Fields asked to coauthor **SB 989**, which was the order.

Senator Schulz moved that **SB 989** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 989** 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, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislowski, Sykes, Treat and Wyrick.—38.

Nay: Shortey. —1.

Excused: Adelson, Aldridge, Coates, Laster, Mazzei, Russell, and Wilson.—7.

Vacancy: Districts 20; 46. — 2.

The bill and emergency passed.

**SB 989** was referred for engrossment.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, February 16, 2012, at 9:30 a.m., which motion prevailed.

### **COMMITTEE REPORTS**

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

DO PASS:

**SB 999** – Retirement and Insurance, coauthored by Moore (principal House author), and coauthored by Brecheen of the Senate  
Ayes: Adelson, Aldridge, Brecheen, Brown, Crain, Stanislawski, Treat, Wilson  
Nays: Anderson, Bass

**SB 1182** – Education, coauthored by Denney (principal House author)  
Ayes: Branan, Childers, David, Eason McIntyre, Ford, Garrison, Halligan, Lerblance, Paddack, Sparks, Stanislawski

**SB 1296** – Veterans and Military Affairs, coauthored by Jordan (principal House author), and coauthored by Garrison, Johnson (Constance) of the Senate  
Ayes: Allen, Barrington, Bass, Brown, Childers, Coates, David, Garrison, Ivester, Johnson (Constance), Russell, Shortey, Simpson, Treat

**SB 1381** – Education, coauthored by Shumate (principal House author)  
Ayes: Childers, Eason McIntyre, Ford, Garrison, Halligan, Lerblance, Paddack, Sparks, Stanislawski

**SB 1408** – Veterans and Military Affairs, coauthored by Jordan (principal House author)  
Ayes: Adelson, Aldridge, Allen, Barrington, Bass, Brown, Childers, Coates, David, Garrison, Johnson (Constance), Russell, Shortey, Simpson, Treat

DO PASS, As Amended:

**SB 1297** – Finance, coauthored by Peters (principal House author)

Ayes: Aldridge, Ballenger, Brinkley, Childers, David, Ford, Halligan, Ivester, Jolley, Russell, Simpson, Sparks, Treat, Wilson

Nays: Mazzei

**SB 1380** – Education, coauthored by Sparks of the Senate, and coauthored by Roan (principal House author)

Ayes: Branan, Childers, David, Eason McIntyre, Ford, Garrison, Halligan, Lerblance, Paddack, Sparks, Stanislawski

**SB 1565** – Education, coauthored by Branan, Eason McIntyre, Sparks of the Senate, and coauthored by Coody (principal House author)

Ayes: Branan, Childers, David, Eason McIntyre, Ford, Garrison, Halligan, Lerblance, Paddack, Sparks, Stanislawski

**SB 1664** – Finance, coauthored by Johnson (principal House author)

Ayes: Aldridge, Ballenger, Brinkley, Childers, David, Ford, Halligan, Ivester, Jolley, Mazzei, Russell, Simpson, Sparks, Treat, Wilson

**SB 1676** – Finance, coauthored by Hickman (principal House author)

Ayes: Aldridge, Ballenger, Brinkley, Childers, David, Ford, Halligan, Ivester, Jolley, Mazzei, Russell, Schulz, Simpson, Sparks, Treat, Wilson

Pursuant to the Schulz motion, the Senate adjourned at 3:40 p.m. to meet Thursday, February 16, 2012, at 9:30 a.m.