

# Senate Journal

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

**Thirty-seventh Legislative Day, Wednesday, April 11, 2012**

The Senate was called to order by Senator David.

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, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—45.

Excused: Adelson, Burrage and Laster.—3.

Senator David declared a quorum present.

The prayer was offered by Reverend Dan Barrick, Enid First Assembly, Enid, the guest of Senator Anderson.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SCR 35** was properly signed and ordered transmitted to the Honorable House for consideration.

**HBs 2242, 2306, 2511, 2573, 2710** and **3093** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 1069, 1127, 1179, 1187, 1188, 1263, 1277, 1425** and **1546** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**COMMUNICATION**

Senator David advised the Senate of the Special Election held in District 20 on April 3, 2012, and directed the Clerk to read the Certification from the State Election Board.

April 10, 2012

The Honorable Brian Bingman  
 President Pro Tempore, Oklahoma State Senate  
 State Capitol  
 Oklahoma City, Oklahoma 73105

Dear Senator Bingman:

This is to certify that pursuant to the provisions of 26 O.S. 2011, §12-109, the State Election Board on April 10, 2012, issued a Certificate of Election to Ann AJ Griffin, the nominee of the Republican Party, for the office of State Senator, District 20.

I herewith transmit to you the official returns of the votes cast at the Special General Election held on April 3, 2012.

ANN AJ GRIFFIN	Republican	Guthrie	3,051
MAGNUS W.T. SCOTT SR.	Democrat	Langston	807

Sincerely,  
 /s/Paul Ziriaux  
 State Election Board

**OATH OF OFFICE**

Senator David advised the Senate that the official Oath of Office, as prescribed by the Constitution, was administered to Senator Ann AJ Griffin on Wednesday, April 11, 2012, by Chief Justice Steven W. Taylor of the Oklahoma Supreme Court.

**MILEAGE ALLOWANCE**

The report on mileage as prepared by the Office of the Senate Administrator for Senator Ann AJ Griffin reads as follows:

<b>Senator</b>	<b>Hometown</b>	<b>Total Miles Round Trip</b>	<b>Amount Round Trip</b>
Griffin, AJ	Guthrie	64	35.52

**GENERAL ORDER**

**HB 2302** by Hilliard of the House and Simpson of the Senate was called up for consideration.

Senator Simpson moved that **HB 2302** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2302** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Nichols, Paddack, Russell, Schulz, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Burrage, Crain, Laster, Mazzei, Newberry, Shortey and Sparks.--8.

The bill passed.

**HB 2302** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1814** by Shannon of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1814**.

Senator Stanislawski moved to amend **HB 1814**, Page 2, Line 1/2, by adding a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 69 O.S. 2011, Section 506, is amended to read as follows:

A. There is hereby created in the State Treasury a revolving fund to be known as the “High Priority State Bridge Revolving Fund”. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all appropriations and transfers made by the Legislature and the apportionments made pursuant to Sections 500.6 and 500.7 of Title 68 and Section 1104 of Title 47 of the Oklahoma Statutes. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended beginning with the fiscal year ending June 30, 2008, and each fiscal year thereafter pursuant to subsection B of this section. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The funds shall be used for the sole purpose of construction or reconstruction of bridges on the state highway system that are of the highest priority as defined by the Transportation Commission. Additionally, the funds may be used for the location and construction of Port of Entry facilities at various primary entry highway state border locations further described as Interstate 35 in Kay County, a remote facility on US Highway 412 in Delaware County, Interstate 40 in Sequoyah County, US Highway 271 in Choctaw County, US Highway 69 in Bryan County, Interstate 35 in Love County, Interstate 44 in Cotton County and Interstate 40 in Beckham County. In addition, these funds may be utilized to locate and construct additional remote sensing sites and technologies to equip other border highway locations within a twenty (20) mile radius of the Port of Entries as determined necessary to control and minimize the avoidance of the designated primary entry highways. The fund shall be invested in whatever instruments are authorized by law for investments by the State Treasurer and the interest earned by any investment of monies from the fund shall be credited to the fund which shall earn the same, if there is any unexpended balance of such fund to which to credit the interest” and by renumbering subsequent sections, which amendment was declared adopted.

Senator Stanislawski moved that **HB 1814** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1814** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice,

Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Adelson, Burrage, Crain, Laster, Mazzei and Shortey.--6.

The bill and emergency passed.

**HB 1814** was referred for engrossment.

### **GENERAL ORDER**

**HB 2364** by Billy et al of the House and Childers of the Senate was called up for consideration.

Senator Childers moved that **HB 2364** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2364** 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, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Adelson, Bingman, Burrage, Crain, Laster, Mazzei and Shortey.--7.

The bill passed.

**HB 2364** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2683** by Banz of the House and Fields of the Senate was called up for consideration.

Senator Fields moved that **HB 2683** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2683** was read for the third time at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--38.

Nay: Aldridge and McAffrey.--2.

Excused: Adelson, Bingman, Burrage, Crain, Johnson (C), Laster, Mazzei and Shortey.--8.

The bill passed.

**HB 2683** was referred for engrossment.

**GENERAL ORDER**

**HB 1577** by Martin (Scott) of the House and Holt of the Senate was called up for consideration.

Senator Holt moved that **HB 1577** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1577** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Nay: Allen.--1.

Excused: Adelson, Bingman, Burrage, Crain, Laster and Shortey.--6.

The bill passed.

**HB 1577** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2286** by Virgin of the House and Russell of the Senate was called up for consideration.

Senator Russell moved to amend **HB 2286**, Page 1, by striking the title, which amendment was declared adopted.

Senator Russell moved that **HB 2286** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2286** was read for the third time at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Adelson, Aldridge, Bingman, Burrage, Crain, Laster and Shortey.--7.

The bill passed.

**HB 2286** was referred for engrossment.

### **GENERAL ORDER**

**HB 2429** by Roan and Condit of the House and Brecheen of the Senate was called up for consideration.

Senator Brecheen moved that **HB 2429** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2429** 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, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Aldridge, Bingman, Burrage, Crain, Laster, Mazzei and Shortey.--8.

The bill and emergency passed.

**HB 2429** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2970** by Thomsen et al of the House and Brecheen and Garrison of the Senate was called up for consideration.

Senators Paddack and Ivester asked to coauthor **HB 2970**, which was the order.

Senator Brecheen moved that **HB 2970** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2970** 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, Childers, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Aldridge, Bingman, Burrage, Crain, Laster, Mazzei and Shortey.--8.

The bill and emergency passed.

**HB 2970** was properly signed and ordered returned to the Honorable House.



## **GENERAL ORDER**

**HB 2518** by Kern et al of the House and Brecheen of the Senate was called up for consideration.

Senator Brecheen moved that **HB 2518** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 2518** was read for the third time at length.

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

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

Excused: Adelson, Aldridge, Bingman, Burrage, Crain, Ford, Laster and Shortey.--8.

The bill passed.

**HB 2518** was properly signed and ordered returned to the Honorable House.

## **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2226, 2227, 2231, 2232, 2233, 2234, 2235, 2237, 2244, 2521, 2727, 2917** and **2942**.

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

Advising fourth reading of and returning Enrolled **SBs 1069, 1127, 1179, 1187, 1188, 1263, 1277, 1425** and **1546**.

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

Advising passage of and transmitting for consideration Engrossed **HJR 1108** .

**HJR 1108** – By Richardson of the House and Fields of the Senate.

A Joint Resolution approving permanent rules of the Oklahoma Department of Agriculture, Food, and Forestry; and directing distribution.

The above-numbered measure was read the first time.

Advising passage of and returning the following Engrossed bills:

**SB 1000**

**SB 1354**

**SB 1830**

The above-numbered measures were referred for enrollment.

#### **MESSAGE FROM THE HOUSE HAS TO SENATE BILLS**

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

**SB 1102** - coauthored by Wright, McDaniel (Randy), Nollan and Enns of the House

**SB 1192**

**SB 1199**

**SB 1401** - coauthored by Dorman and Walker of the House

**SB 1800**

House amendments were read on the above-numbered bills.

#### **EXECUTIVE NOMINATIONS**

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

Adamson, James E. "Eddie", Guymon, as a member of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission - Judiciary

Franklin, Jay R., Vinita, as a member of the State Board of Agriculture - Agriculture and Rural Development

Mauldin, Thomas W., Jr., Norman, as a member of the State Election Board - Rules

Prince, Thomas E., Edmond, as a member of the State Election Board - Rules

Thornberry, Gary D., Okarche, as a member of the Polygraph Examiners Board –  
Judiciary

## **ELECTRONIC DISTRIBUTION**

Pursuant to the provisions of Senate Rule 5-6 and Joint Rule 6, copies of **HBs 2440** and **3079**, have been made available electronically, via e-mail to all Senators and Executive Assistants.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene April 12, 2012, at 9:30 a.m., which motion prevailed.

## **FIRST READING**

The following were introduced and read the first time:

**SCR 36** – By Halligan and Fields of the Senate and Denney and Williams of the House.

A Concurrent Resolution congratulating the Oklahoma State University Cowgirls Basketball Team for winning the 2012 Women's National Invitation Tournament; extending condolences; and directing distribution.

**SCR 37** – By Halligan and Fields of the Senate and Denney and Williams of the House.

A Concurrent Resolution congratulating the Oklahoma State University Cowgirls Basketball Team for winning the 2012 Women's National Invitation Tournament; extending condolences; and directing distribution.

Pursuant to the Schulz motion, the Senate adjourned at 11:10 a.m. to meet April 12, 2012, at 9:30 a.m.