

# Senate Journal

## Second Regular Session of the Fifty-third Legislature

### of the State of Oklahoma

## Sixty-second Legislative Day, Thursday, May 24, 2012

The Senate was called to order by Senator Sykes.

Roll Call:

Present: 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.—47.

Excused: Adelson.—1.

Senator Sykes declared a quorum present.

The prayer was offered by Dr. Dennis Clark, First Christian Church, Guthrie, the guest of Senator Griffin.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 456, 1159, 1235 and 1887** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### INTRODUCTION

Senator Burrage introduced his son, Truman; and Senator Childers introduced his son, Cole, to the Senate. Senator Schulz asked unanimous consent, which was granted, that Truman and Cole be named Honorary Pages for this legislative day.

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Schulz, the request of the Honorable House for further conference was ordered granted and Senate conferees appointed as follows:

**SB 1451** – Jolley, Justice, Bingman, Ford, Sparks and Burrage

**HB 2300** – Crain, Treat, Sykes, David, Burrage and Ballenger

**HB 3135** – Treat, Crain, David, Bingman, Burrage and Ballenger

**HB 3136** – Treat, Crain, David, Bingman, Burrage and Ballenger

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Schulz, the request of the Honorable House for further conference was ordered granted and same Senate conferees appointed as follows:

**HB 3133** – Treat, Bingman, David, Crain, Burrage, Ballenger

**SCs NAMED**

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

**SB 1309** – Burrage, Johnson (Rob), Bingman, Schulz, Ballenger, Brinkley

**CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 1664** – remove GCCA and add Marlatt, Jolley, Schulz, Mazzei, Burrage and Wilson.

**GENERAL ORDER**

**HJR 1129** by Armes of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HJR 1129** be advanced, which motion was declared adopted.

**THIRD READING**

**HJR 1129** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Justice, Lerblance, Marlatt, McAffrey, Newberry, Nichols, Paddack, Schulz, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--37.

Excused: Adelson, Bass, Bingman, Coates, Ivester, Johnson (R), Jolley, Mazzei, Russell, Shortey and Sparks.--11.

The resolution passed.

Senator Schulz raised the Point of Order that **HJR 1129** was on Second Reading and had not been reported out of the Agriculture and Rural Development Committee. Therefore, **HJR 1129** had not been placed on General Order for consideration.

The Chair was in agreement with the Point of Order and ruled that the vote on Third Reading on **HJR 1129** was null and void.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1820** was adopted upon motion of Senator Halligan.

**SB 1820**, as amended in conference, was read at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, McAffrey, Newberry, Nichols, Paddack, Schulz, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--38.

Excused: Adelson, Bass, Bingman, Coates, Johnson (R), Marlatt, Mazzei, Russell, Shortey and Sparks.--10.

The bill passed.

**SB 1820**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2510** was adopted upon motion of Senator Barrington.

**HB 2510**, as amended in conference, was read at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, McAffrey, Newberry, Paddack, Schulz, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--37.

Excused: Adelson, Bass, Bingman, Coates, Johnson (R), Marlatt, Mazzei, Nichols, Russell, Shortey and Sparks.--11.

The bill passed.

**HB 2510**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1242** was adopted upon motion of Senator Barrington.

**SB 1242**, as amended in conference, was read at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Schulz, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--38.

Excused: Adelson, Bass, Bingman, Coates, Eason McIntyre, Mazzei, Nichols, Russell, Shortey and Sparks.--10.

The bill passed.

**SB 1242**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

## **GENERAL ORDER**

**HJR 1095** by Peters of the House and David of the Senate, as previously considered on Page 1175, was called up for further consideration.

Senator David asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HJR 1095**.

Senator David moved to amend **HJR 1095**, Page 2, Line 1, by deleting all language after the word “disapproves” through the end of Line 4, and inserting in lieu thereof, the words “permanent rule OAC 310: 662-3-4(e)(7)”, which amendment was declared adopted.

The above amendment restored **HJR 1095** to the engrossed version of the resolution.

Senator David moved that **HJR 1095** be advanced, which motion was declared adopted.

## **THIRD READING**

**HJR 1095** was read for the third time at length.

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

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

Excused: Adelson, Bass, Bingman, Coates, Eason McIntyre, Marlatt, Russell and Shortey.--8.

The resolution passed.

**HJR 1095** was properly signed and ordered returned to the Honorable House.

## **GENERAL ORDER**

**HJR 1100** by Thomsen of the House and David of the Senate was called up for consideration.

Senator David asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HJR 1100**.

Senator David moved to amend **HJR 1100**, Page 2, Lines 7 and 8, by deleting the numerals “575: 1-1-4”, which amendment was declared adopted.

Senator David moved that **HJR 1100** be advanced, which motion was declared adopted.

### **THIRD READING**

**HJR 1100** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, McAffrey, Newberry, Paddack, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--37.

Nay: Sykes.--1.

Excused: Adelson, Bass, Bingman, Coates, Eason McIntyre, Jolley, Mazzei, Nichols, Russell and Shortey.--10.

The resolution passed.

**HJR 1100** was referred for engrossment.

### **GENERAL ORDER**

**HJR 1115** by Faught of the House and David of the Senate was called up for consideration.

Senator David moved that **HJR 1115** be advanced, which motion was declared adopted.

### **THIRD READING**

**HJR 1115** 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, Branan, Brecheen, Brinkley, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, McAffrey, Paddack, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--34.

Nay: Allen, Brown, Mazzei, Newberry and Sykes.--5.

Excused: Adelson, Ballenger, Bass, Bingman, Coates, Jolley, Nichols, Russell and Shortey.--9.

The resolution passed.

**HJR 1115** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HJR 1122** by Faught of the House and David of the Senate was called up for consideration.

Senator David moved that **HJR 1122** be advanced, which motion was declared adopted.

### **THIRD READING**

**HJR 1122** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, McAffrey, Newberry, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--38.

Excused: Adelson, Bass, Bingman, Coates, Jolley, Marlatt, Mazzei, Nichols, Shortey and Treat.--10.

The resolution passed.

**HJR 1122** was properly signed and ordered returned to the Honorable House.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1795** was adopted upon motion of Senator David.

**SB 1795**, as amended in conference, was read at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--39.

Excused: Adelson, Aldridge, Bass, Bingman, Coates, Jolley, Marlatt, Mazzei and Shortey.--9.

The bill passed.

**SB 1795**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1816** was adopted upon motion of Senator Stanislawski.

**SB 1816**, 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, Allen, Anderson, Ballenger, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--40.

Nay: Ivester and Wilson.--2.

Excused: Adelson, Bass, Bingman, Coates, Johnson (C) and Shortey.--6.

The bill and emergency passed.

The Chair advised that Senator Johnson (Constance), having been present in the Chamber during the vote on **SB 1816** and the emergency would be shown voting Nay in compliance with Rule 15-1B. The vote thereby resulted as follows: Aye: 40; Nay: 3; Excused: 5.

**SB 1816**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.



**GENERAL ORDER**

**HJR 1121** by Jordan of the House and Newberry of the Senate was called up for consideration.

Senator Newberry moved that **HJR 1121** be advanced, which motion was declared adopted.

**THIRD READING**

**HJR 1121** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brown, Burrage, Crain, Eason McIntyre, Ellis, Fields, Ford, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Wilson and Wyrick.--34.

Nay: Allen, Brinkley, Childers, David, Garrison, Griffin, Marlatt, Sykes and Treat.--9.

Excused: Adelson, Bingman, Coates, Mazzei and Shortey.--5.

The resolution passed.

**HJR 1121** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HJR 1127** by Jordan of the House and Newberry of the Senate was called up for consideration.

Senator Newberry moved that **HJR 1127** be advanced, which motion was declared adopted.

**THIRD READING**

**HJR 1127** was read for the third time at length.

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

Aye: Aldridge, Ballenger, Barrington, Bingman, Branan, Brecheen, Brown, Burrage, Childers, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Wilson and Wyrick.--35.

Nay: Allen, Anderson, Bass, Brinkley, David, Griffin, Sykes and Treat.--8.

Excused: Adelson, Coates, Marlatt, Mazzei and Shortey.--5.

The resolution passed.

**HJR 1127** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HJR 1132** by Banz of the House and Newberry of the Senate was called up for consideration.

Senator Newberry moved that **HJR 1132** be advanced, which motion was declared adopted.

### **THIRD READING**

**HJR 1132** was read for the third time at length.

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

Aye: Aldridge, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Marlatt, Newberry, Russell, Schulz, Simpson, Stanislawski, Treat and Wyrick.--30.

Nay: Allen, Anderson, Ballenger, Bass, Ellis, Garrison, Johnson (C), Lerblance, McAffrey, Paddack, Sparks and Sykes.--12.

Excused: Adelson, Coates, Mazzei, Nichols, Shortey and Wilson.--6.

The resolution passed.

**HJR 1132** was referred for engrossment.

### **PENDING CONSIDERATION OF CCR**

The **2ND CCR** on **SB 671** was adopted upon motion of Senator Newberry.

**SB 671**, as amended in conference, was read at length.

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

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

Nay: Eason McIntyre, Johnson (C) and Lerblance.--3.

Excused: Adelson, Aldridge, Coates, Shortey and Wilson.--5.

The bill passed.

**SB 671**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

According to Senate Rule 12-23-D, President Pro Tempore Bingman approved and advised the Secretary of the Senate to correct a non-substantial error in scrivening, on Page 1, Line 18 of **SB 671** by correcting the transposed Title from 12 to 21.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2645** was adopted upon motion of Senator Brecheen.

**HB 2645**, as amended in conference, was read at length.

On the question of passage of the bill, 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, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Adelson, Aldridge, Coates, Shortey and Wilson.--5.

The bill passed.

**HB 2645**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**EXECUTIVE NOMINATION**

The following executive nomination has been approved by the committee named:

Dunn, Jeffrey T., Tulsa, to the Regional University System of Oklahoma, to serve a nine year term ending June 10, 2021, succeeding Belva Howard. (Education Committee)  
Motion to confirm made by Senator Brian Crain.

Motion to confirm the above-named executive nomination was declared adopted upon roll call as follows:

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--42.

Excused: Adelson, Aldridge, Coates, Nichols, Shortey and Wilson.--6.

**INTRODUCTION**

Senator Holt introduced his daughter, Maggie; his son, George; and wife, Rachel; Senator Childers introduced his mother, Linda Childers, and his aunt, Erma Potts, to the Senate. Senator Schulz asked unanimous consent, which was granted, that Maggie and George be named Honorary Pages for this legislative day.

**MESSAGES FROM THE HOUSE**

Advising the signing of and transmitting for signature Enrolled **HCR 1023**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable House.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1985, 2198, 2392, 2563, 2582, 2646, 2647, 2683, 2787, 2939** and **3134** and **HJRs 1097, 1109** and **1118**.

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

Returning following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

**SB 1533**

The above-numbered measure, as amended in conference, was referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 456, 1159, 1235 and 1887**.

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

**MESSAGE FROM THE HOUSE  
CONFERENCE COMMITTEE REPORT**

Transmitting the following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

**HB 2676** - coauthored by Shelton of the House

Conference committee report was read on the above-numbered bill.

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

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The Senate reconvened with Senator Sykes presiding.

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

**CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 1847** – remove GCCA and add Jolley, Justice, Nichols, Simpson, Burrage and Ballenger.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1280** was adopted upon motion of Senator Schulz.

**SB 1280**, as amended in conference, was read 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, McAffrey, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Adelson, Aldridge, Childers, Johnson (R), Mazzei, Newberry and Shortey.--7.

The bill and emergency passed.

**SB 1280**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1638** were concurred in upon motion of Senator Marlatt.

**SB 1638**, as amended by the Honorable House, was read at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Adelson, Aldridge, Childers, Newberry and Shortey.--5.

The bill passed.

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

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2248** was adopted upon motion of Senator Marlatt.

Senators Branan, Mazzei and Simpson and Representative Walker asked to coauthor **HB 2248**, which was the order.

**HB 2248**, as amended in conference, was read 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Aldridge and Newberry.--3.

The bill and emergency passed.

**HB 2248**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2249** was adopted upon motion of Senator Marlatt.

Senators Allen, Mazzei, Branan and Simpson asked to coauthor **HB 2249**, which was the order.

**HB 2249**, as amended in conference, was read 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Aldridge and Jolley.--3.

The bill and emergency passed.

**HB 2249**, together with the conference committee report thereon, was ordered returned to the Honorable House.

## **INTRODUCTION**

Senator Lerblance introduced his wife, Frances; and President Pro Tempore Bingman introduced Lieutenant Governor Todd Lamb, to the Senate.

## **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**HB 2653** – remove GCCA and add Shortey, Schulz, Jolley, Bingman, Burrage and Ballenger.

## **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2790** was adopted upon motion of Senator Ford.

**HB 2790**, as amended in conference, was read at length.

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

Aye: Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Childers, Coates, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Mazzei, Newberry, Nichols, Russell, Schulz, Simpson, Stanislawski, Sykes and Treat.--29.

Nay: Ballenger, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Johnson (C), Laster, Lerblance, McAffrey, Paddack, Shortey, Sparks, Wilson and Wyrick.--15.

Excused: Adelson, Aldridge, Allen and Marlatt.--4.

The bill passed.

**HB 2790**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**Senator Nichols presiding.**



**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1102** was adopted upon motion of Senator Anderson.

**SB 1102**, as amended in conference, was read 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Mazzei, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Aldridge and Marlatt.--3.

The bill and emergency passed.

**SB 1102**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**Senator Sykes presiding.**

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2320** was adopted upon motion of Senator Anderson.

**HB 2320**, 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, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Mazzei, McAffrey, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Nay: Allen, Ivester and Newberry.--3.

Excused: Adelson, Aldridge and Marlatt.--3.

The bill and emergency passed.

**HB 2320**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2535** was adopted upon motion of Senator Anderson.

**HB 2535**, as amended in conference, was read at length.

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

Aye: Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Burrage, Childers, Coates, David, Fields, Ford, Griffin, Halligan, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--30.

Nay: Ballenger, Bass, Crain, Eason McIntyre, Ellis, Garrison, Holt, Johnson (C), Laster, Lerblance, McAffrey, Wilson and Wyrick.--13.

Excused: Adelson, Aldridge, Brown, Ivester and Nichols.--5.

The bill passed.

**HB 2535**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2254** was adopted upon motion of Senator Burrage.

**HB 2254**, as amended in conference, was read 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, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Adelson, Aldridge, Bingman, Ivester and Nichols.--5.

The bill passed.

**HB 2254**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 3053** was adopted upon motion of Senator David.

**HB 3053**, as amended in conference, was read at length.

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

Aye: Allen, Ballenger, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Crain, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--32.

Nay: Anderson, Bass, Coates, Eason McIntyre, Ellis, Garrison, Johnson (C), Laster, Lerblance, McAffrey, Sparks, Wilson and Wyrick.--13.

Excused: Adelson, Aldridge and Ivester.--3.

The bill passed.

**HB 3053**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 3079** was adopted upon motion of Senator David.

**HB 3079**, as amended in conference, was read at length.

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

Aye: Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Mazzei, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Adelson, Aldridge, Anderson, Ivester, Marlatt and Nichols.--6.

The bill passed.

**HB 3079**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2576** was adopted upon motion of Senator Mazzei.

**HB 2576**, as amended in conference, was read at length.

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

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

Excused: Adelson, Aldridge, Anderson, Bingman, Ivester, Marlatt and Nichols.--7.

The bill and emergency passed.

**HB 2576**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**Senator Jolley presiding.**

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2242** was adopted upon motion of Senator Halligan.

**HB 2242**, as amended in conference, was read at length.

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

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

Excused: Adelson, Aldridge, Anderson, Bingman, Ivester, Mazzei, Nichols and Wyrick.--8.

The bill passed.

**HB 2242**, together with the conference committee report thereon, was ordered returned to the Honorable House.

### **GENERAL ORDER**

**HJR 1129** by Armes of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HJR 1129** be advanced, which motion was declared adopted.

### **THIRD READING**

**HJR 1129** was read for the third time at length.

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

Aye: Allen, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, McAffrey, Newberry, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--39.

Excused: Adelson, Aldridge, Anderson, Bingman, Ivester, Marlatt, Mazzei, Nichols and Wyrick.--9.

The resolution passed.

Senator Schulz raised the Point of Order that **HJR 1129** was Second Read and reported out of the Agriculture and Rural Development Committee on the same day. Therefore, **HJR 1129** could not be placed on General Order today for consideration.

The Chair was in agreement with the Point of Order and ruled that the vote on Third Reading on **HJR 1129** was null and void.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HJR 1092** was adopted upon motion of Senator Treat.

Senators Brinkley and Johnson (Constance) asked to coauthor **HJR 1092**, which was the order.

**HJR 1092**, as amended in conference, was read at length.

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

Aye: Allen, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Mazzei, McAffrey, Newberry, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--39.

Excused: Adelson, Aldridge, Anderson, Bingman, Garrison, Marlatt, Nichols, Shortey and Wyrick.--9.

The resolution passed.

**HJR 1092**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 3137** was adopted upon motion of Senator Treat.

Senator Brinkley asked to coauthor **HB 3137**, which was the order.

**HB 3137**, as amended in conference, was read 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, 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, Aldridge and Bingman.--3.

The bill passed.

**HB 3137**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**Senator Sykes presiding.**

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2676** was adopted upon motion of Senator Eason McIntyre.

Representative Scott asked to coauthor **HB 2676**, which was the order.

**HB 2676**, as amended in conference, was read 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, Childers, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, McAffrey, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Adelson, Aldridge, Bingman, Marlatt and Mazzei.--5.

The bill and emergency passed.

**HB 2676**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**ELECTRONIC DISTRIBUTION**

Pursuant to the provisions of Senate Rule 5-6, copies of the Conference Committee Substitute for **SB 1419** have been made available electronically, via e-mail to all Senators and Executive Assistants.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2330** was adopted upon motion of Senator Brown.

**HB 2330**, as amended in conference, was read at length.

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

Aye: Allen, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, David, Fields, Ford, Griffin, Halligan, Holt, Ivester, Johnson (R), Justice, Mazzei, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--27.

Nay: Anderson, Ballenger, Bass, Coates, Crain, Eason McIntyre, Ellis, Garrison, Johnson (C), Laster, Lerblance, McAffrey, Newberry, Nichols, Wilson and Wyrick.--16.

Excused: Adelson, Aldridge, Bingman, Jolley and Marlatt.--5.

The bill passed.

**HB 2330**, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Schulz moved that the Senate recess until 4:30 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Sykes presiding.

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

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2607** was adopted upon motion of Senator Schulz.

Senator Marlatt asked to coauthor **HB 2607**, which was the order.

**HB 2607**, as amended in conference, was read 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, McAffrey, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Adelson, Aldridge, Laster, Mazzei and Newberry.--5.

The bill and emergency passed.

**HB 2607**, together with the conference committee report thereon, was ordered returned to the Honorable House.



## **ELECTRONIC DISTRIBUTION**

Pursuant to the provisions of Senate Rule 5-6, copies of the Conference Committee Substitutes for all bills on the Joint Conference Committee Calendar have been made available electronically, via e-mail to all Senators and Executive Assistants.

## **CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 447** (2nd CCR)

**SB 1040**, Remove Marlatt and substitute Wyrick as principal Senate author

## **MESSAGES FROM THE HOUSE**

Advising passage of and returning Engrossed **SB 1975**.

The above numbered measure was referred for enrollment.

Returning following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

**SB 1464** - (Emergency Failed) coauthored by Walker of the House

The above-numbered measure, as amended in conference, was referred for enrollment.

## **MESSAGES 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 2306** - (Emergency Failed)

**HB 2494** - (Emergency Failed)

**HB 2746** - (Emergency Failed)

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

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Friday, May 25, 2012, at 9:30 a.m., which motion prevailed.

**SECOND READING**

The following were read for the second time and referred to committee as indicated:

**HB 3149** – Direct To Calendar  
**HB 3150** – Direct To Calendar  
**HB 3151** – Direct To Calendar  
**HB 3152** – Direct To Calendar  
**HB 3157** – Direct To Calendar  
**HB 3159** – Direct To Calendar  
**HB 3160** – Direct To Calendar  
**HJR 1129** – Agriculture and Rural Development

**COMMITTEE REPORT**

The following was reported by the committee named, ordered printed and placed on the Calendar:

DO PASS:

**HJR 1129** – Agriculture and Rural Development  
Ayes: Allen, Anderson, Barrington, Bass, Ellis, Fields, Justice, Simpson, Sykes,  
Wyrick

**MESSAGE FROM THE GOVERNOR**

Advising her approval May 24, 2012, of Enrolled **SB 259** and **SJR 91**.

Pursuant to the Schulz motion, the Senate adjourned at 5:00 p.m. to meet Friday, May 25, 2012, at 9:30 a.m.