

Senate Journal

First Regular Session of the Fifty-third Legislature of the State of Oklahoma Eighth Legislative Day, Monday, February 21, 2011

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, 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 Reverend Tony McMullen, SouthEast Baptist, Coweta, the guest of Senator Brown.

INTRODUCTION

Senator Rice introduced his sons, Noah and Parker, to the Senate.

FIRST READING

The following was introduced and read the first time:

SCR 5 – By Jolley and Treat of the Senate and Cooksey and Grau of the House.

A Concurrent Resolution celebrating the life and accomplishments of Pastor Richard Alan Day; extending condolences and appreciation to his family; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to refer **SCR 5** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 5 by Jolley and Treat of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **SCR 5**, which was the order.

SCR 5 was adopted upon motion of Senator Jolley and referred for engrossment.

Senator Jolley presiding.**GENERAL ORDER**

SB 59 by Justice of the Senate and Osborn of the House was called up for consideration.

Senator Justice asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **SB 59**.

Senator Justice moved to amend **SB 59**, Page 3, Lines 17 through 21, by deleting the new language and inserting in lieu thereof the following:

“Any person employed as a full-time teacher by a school district in this state in the five (5) years immediately preceding an application for employment as a substitute teacher may not be required to have a national criminal history record check, if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was last employed stating the teacher left in good standing.”, which amendment was declared adopted.

Senator Justice moved that **SB 59** be advanced, which motion was declared adopted.

THIRD READING

SB 59 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, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison,

Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Adelson and Eason McIntyre.--2.

The bill and emergency passed.

SB 59 was referred for engrossment.

GENERAL ORDER

SB 435 by Bingman et al of the Senate and Steele of the House was called up for consideration.

Senators Shortey and Holt asked to coauthor **SB435**, which was the order.

Senator Ford moved that **SB 435** be advanced, which motion was declared adopted.

THIRD READING

SB 435 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, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--31.

Nay: Ballenger, Bass, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Paddack, Rice, Sparks, Wilson and Wyrick.--16.

Excused: Adelson.--1.

The bill passed.

Senator Coates desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 15; Excused: 1.

The emergency passed.

SB 435 was referred for engrossment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 5 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed measure:

SCR 5 - coauthored by Inman, Tibbs, Ritze, Walker, Banz, McDaniel (Randy), Nelson, Hall, Roberts (Dustin), Moore, Cockroft, Kirby, Dank, Scott

The above-numbered measure was referred for enrollment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 5 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

CHANGE IN COMMITTEE ASSIGNMENTS

The following bills will be reassigned as follows:

SB 676 – Withdrawn from Health and Human Services and Appropriations committees and referred to Appropriations

SB 679 – Withdrawn from Health and Human Services committee and referred to Appropriations

SB 878 – Withdrawn from Rules committee and referred to Judiciary

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1027, 1199, 1549, 1586 and 1607**.

HB 1027 – By Glenn and Cox of the House and Wyrick of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 7-606, as last amended by Section 4, Chapter 440, O.S.L. 2010 (47 O.S. Supp. 2010, Section 7-606), which relates to the Compulsory Insurance Law; modifying penalties for certain violation; and providing an effective date.

HB 1199 – By McDaniel (Jeannie) of the House and Brown of the Senate.

An Act relating to grandparental visitation; amending 10 O.S. 2001, Section 5, as last amended by Section 1, Chapter 290, O.S.L. 2008, and as renumbered by Section 197,

Chapter 233, O.S.L. 2009 (43 O.S. Supp. 2010, Section 109.4), which relates to grandparental visitation; authorizing visitation by former legal guardians; and providing an effective date.

HB 1549 – By Kern, Reynolds, Ritze, Faught and Brumbaugh of the House and Eason McIntyre of the Senate.

An Act relating to crimes and punishments; authorizing victims of child pornography to bring civil action; providing for the recovery of damages, costs and attorney fees; providing procedures for filing civil action; prohibiting reliance on certain defense; authorizing Attorney General to bring civil action on behalf of victim; providing statutory reference for certain term; providing exemption to statute; providing for codification; and providing an effective date.

HB 1586 – By Thomsen of the House and Bingman of the Senate.

An Act relating to schools; amending Sections 2, 14 and 15, Chapter 375, O.S.L. 2003, as amended by Sections 1, 2 and 3, Chapter 222, O.S.L. 2009 (70 O.S. Supp. 2010, Sections 821.82, 821.94 and 821.95), which relate to the Uniform Athlete Agents Act; modifying certain definitions; modifying prohibited conduct by an athlete agent; increasing criminal penalty; and requiring certain percentage of fine to be deposited in certain fund.

HB 1607 – By Stiles of the House and Anderson of the Senate.

An Act relating to marriage and family; amending 43 O.S. 2001, Section 113, as amended by Section 1, Chapter 373, O.S.L. 2002 (43 O.S. Supp. 2010, Section 113), which relates to child preference in certain custody determinations; providing for consideration of child preference for visitation; modifying court considerations and procedure in determining custody and visitation; providing for a record; and providing an effective date.

The above-numbered measures were read the first time.

MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 5**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

EXECUTIVE NOMINATIONS

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

Lochridge, Timothy David, Sulphur, as a member of the Oklahoma Mining Commission - Energy

McAbee, Mitch, Weatherford, as a member of the Commission on Marginally Producing Oil & Gas Wells - Energy

Shreve, Terry, Barnsdall, as a member of the Oklahoma Used Motor Vehicle and Parts Commission - Business and Commerce

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 22, 2011, 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:

SB 110 – Energy, coauthored by Sanders (principal House author), and coauthored by DeWitt of the House

Ayes: Adelson, Allen, Branan, Burrage, Fields, Ivester, Johnson (Rob), Jolley, Lerblance, Marlatt, Myers, Nichols, Paddack, Simpson

SB 169 – Agriculture and Rural Development, coauthored by Armes (principal House author)

Ayes: Allen, Barrington, Bass, Ellis, Fields, Ivester, Justice, Myers, Simpson, Wyrick
Nays: Sykes

SB 194 – Retirement and Insurance, coauthored by Vaughan (principal House author)

Ayes: Aldridge, Brown, Mazzei, Rice, Sparks, Treat, Wilson
Nays: Stanislawski

SB 328 – Rules, coauthored by Banz (principal House author)

Ayes: Branan, Eason McIntyre, Ellis, Fields, Ford, Garrison, Holt, Johnson (Rob), Newberry, Nichols, Rice, Sparks, Sykes, Wyrick

SB 335 – Energy, coauthored by Jackson (principal House author)

Ayes: Adelson, Allen, Branan, Burrage, Fields, Ivester, Johnson (Rob), Jolley, Lerblance, Marlatt, Myers, Nichols, Paddack, Simpson

SB 377 – Retirement and Insurance, coauthored by McDaniel (Randy) (principal House author)

Ayes: Aldridge, Anderson, Brown, Crain, Mazzei, Rice, Sparks, Stanislawski, Treat

SB 406 – Judiciary, coauthored by Roberts (Dustin) (principal House author)

Ayes: Brecheen, Crain, Eason McIntyre, Johnson (Rob), Laster, Nichols, Shortey, Sykes

SB 577 – Retirement and Insurance, coauthored by McDaniel (Randy) (principal House author)

Ayes: Aldridge, Anderson, Brown, Crain, Mazzei, Rice, Sparks, Stanislawski, Treat

SB 584 – Retirement and Insurance, coauthored by Hickman (principal House author)

Ayes: Aldridge, Anderson, Brown, Crain, Mazzei, Rice, Sparks, Stanislawski, Treat

SB 587 – Finance, coauthored by Trebilcock (principal House author)

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

SB 738 – Energy, coauthored by Sanders (principal House author)

Ayes: Adelson, Allen, Branan, Burrage, Fields, Ivester, Johnson (Rob), Jolley, Lerblance, Marlatt, Myers, Nichols, Simpson

SB 808 – Rules, coauthored by Banz (principal House author)

Ayes: Branan, Eason McIntyre, Ellis, Fields, Ford, Garrison, Holt, Johnson (Rob), Newberry, Nichols, Sparks, Sykes, Wyrick

DO PASS, As Amended:

CS for SB 60 – Energy, coauthored by Rousselot (principal House author)

Ayes: Adelson, Allen, Branan, Burrage, Fields, Johnson (Rob), Jolley, Lerblance, Marlatt, Myers, Nichols, Simpson

SB 101 – Finance, coauthored by Cannaday (principal House author)

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

CS for SB 186 – General Government, coauthored by Faught (principal House author)

Ayes: Adelson, Aldridge, Ballenger, Brown, Coates, Marlatt, Shortey, Treat

SB 289 – Retirement and Insurance, coauthored by Kirby (principal House author)

Ayes: Aldridge, Brown, Mazzei, Sparks, Stanislawski, Treat, Wilson

Nays: Rice

SB 325 – Finance, coauthored by Armes (principal House author)

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

SB 347 – Retirement and Insurance, coauthored by McDaniel (Randy) (principal House author)

Ayes: Aldridge, Anderson, Brown, Crain, Mazzei, Sparks, Stanislawski, Treat

SB 392 – Finance, coauthored by Cooksey (principal House author)

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

SB 571 – Finance, coauthored by Murphey (principal House author)

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

SB 629 – Energy, coauthored by Jackson (principal House author)

Ayes: Adelson, Allen, Branan, Burrage, Fields, Ivester, Johnson (Rob), Jolley, Lerblance, Marlatt, Myers, Nichols, Paddack, Simpson

SB 783 – Judiciary, coauthored by Faught (principal House author)

Ayes: Brecheen, Crain, Eason McIntyre, Johnson (Rob), Laster, Lerblance, Shortey, Sykes

FAILED:

SB 20 – General Government

Ayes: Rice, Ballenger

Nays: Brown, Coates, Shortey, Treat, Aldridge

FIRST READING

The following were introduced and read the first time:

SR 4 – By Halligan.

A Resolution congratulating Justin Blackmon, Oklahoma State University Cowboy football player on successful 2010 season; wishing him well in his future endeavors; and directing distribution.

SR 5 – By Halligan.

A Resolution congratulating Dan Bailey, Oklahoma State University Cowboy and 2010 Lou Groza Award winner; wishing him future success; and directing distribution.

Pursuant to the Schulz motion, the Senate adjourned at 2:10 p.m. to meet Tuesday, February 22, 2011, at 1:30 p.m.