

Senate Journal

First Regular Session of the Fifty-third Legislature of the State of Oklahoma

Tenth Legislative Day, Wednesday, February 23, 2011

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, 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.—48.

Senator Stanislawski declared a quorum present.

The prayer was offered by Reverend Tony McMullen, SouthEast Baptist, Pryor, the guest of Senator Brown.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 12, 160, 170 and 200 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Nichols asked unanimous consent to refer **SCR 3** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 3 by Sparks and Nichols of the Senate and Virgin et al of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 3**, which was the order.

SCR 3 was adopted upon motion of Senator Nichols and referred for engrossment.

GENERAL ORDER

SB 42 by Garrison of the Senate and Rousselot of the House was called up for consideration.

Senator Garrison moved that **SB 42** be advanced, which motion was declared adopted.

THIRD READING

SB 42 was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, 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.--48.

The bill and emergency passed.

SB 42 was referred for engrossment.

Senator Jolley Presiding.

GENERAL ORDER

SB 863 by Sykes of the Senate and Sullivan of the House was called up for consideration.

Senator Brecheen asked to coauthor **SB 863**, which was the order.

Senator Sykes moved to amend **SB 863**, Page 1, by striking the title, which amendment was declared adopted.

Senator Sykes moved that **SB 863** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Allen, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, David, Fields, Ford, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Schulz, Simpson, Stanislawski, Sykes and Treat.--24.

Nay: Adelson, Anderson, Ballenger, Bass, Burrage, Coates, Crain, Eason McIntyre, Ellis, Garrison, Halligan, Ivester, Johnson (C), Laster, Lerblance, Paddack, Reynolds, Rice, Russell, Shortey, Sparks, Wilson and Wyrick.--23.

Excused: Aldridge.--1.

THIRD READING

SB 863 was read for the third time at length.

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

Aye: Allen, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--29.

Nay: Adelson, Anderson, Ballenger, Bass, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Rice, Russell, Sparks, Wilson and Wyrick.--18.

Excused: Aldridge.--1.

The bill passed.

Pursuant to Rule 12-21, Senator Sykes served notice that the vote be reconsidered whereby **SB 863** passed.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 3 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

INTRODUCTION

Senator Paddack introduced her daughter, Elizabeth, to the Senate.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1048, 1234, 1271, 1310, 1322 and 1359** and **HJR 1016** .

HB 1048 – By Cox and Pittman of the House and Jolley of the Senate.

An Act relating to probate procedure; amending 58 O.S. 2001, Section 946, which relates to presumed death; requiring certain information when decree of death is issued; requiring certified copy of decree be delivered to the State Department of Health; prohibiting Department from issuing death certificate unless certain conditions are met; and providing an effective date.

HB 1234 – By Sherrer, Hoskin and Walker of the House and Burrage of the Senate.

An Act relating to courts; authorizing district courts to use videoconferencing for certain court proceedings; requiring waiver prior to conducting proceedings with videoconferencing technology; providing for the promulgation of rules and procedures; providing for codification; and providing an effective date.

HB 1271 – By Coody of the House and Barrington of the Senate.

An Act relating to mental health; amending 43A O.S. 2001, Section 1-103, as last amended by Section 1, Chapter 287, O.S.L. 2010 (43A O.S. Supp. 2010, Section 1-103), which relates to definitions; modifying definition; deleting definition; amending 43A O.S. 2001, Section 5-410, as last amended by Section 18, Chapter 97, O.S.L. 2006 (43A O.S. Supp. 2010, Section 5-410), which relates to a petition regarding a person requiring treatment; expanding list of those persons authorized to file a petition; and providing an effective date.

HB 1310 – By Richardson of the House and Fields of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 698.2 and 698.12, as last amended by Sections 1 and 3, Chapter 112, O.S.L. 2010 (59 O.S. Supp. 2010, Sections 698.2 and 698.12), which relate to the Oklahoma Veterinary Practice Act; defining terms; modifying procedures that are not prohibited; describing certification process for nonveterinary reproductive services technicians; requiring documentation for use of certain drugs in procedures; prescribing continuing education requirements; providing for committee to oversee examination and continuing education; providing for committee to oversee advancements in animal husbandry; describing duties of committee chair; identifying committee members; providing for codification; and providing an effective date.

HB 1322 – By Wright of the House and Schulz of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1451, as last amended by Section 7, Chapter 275, O.S.L. 2004 (21 O.S. Supp. 2010, Section 1451), which relates to embezzlement; modifying definition; providing penalty for embezzlement from an estate; and providing an effective date.

HB 1359 – By Peters, Kirby, Denney, Dorman, Tibbs, Derby, Walker, Peterson, Nelson and Nollan of the House and Brinkley of the Senate.

An Act relating to children; establishing Foster Care System Improvement Task Force; providing for membership; designating cochairs; providing for staff assistance; providing for travel reimbursement; providing powers and duties; requiring certain report; defining terms; providing for noncodification; and declaring an emergency.

HJR 1016 – By Blackwell of the House and Marlatt of the Senate.

A Joint Resolution relating to foreign trade zones; revoking status of Cimarron County as a foreign trade zone; and declaring an emergency.

The above-numbered measures were read the first time.

CHANGE IN COMMITTEE ASSIGNMENT

SB 919 – Withdrawn from Judiciary and Appropriations committees and referred to Public Safety

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed measure:

SCR 3 - coauthored by all other Representatives

The above-numbered measure was referred for enrollment.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, February 24, 2011, at 9:30 a.m., which motion prevailed.

Pursuant to the Schulz motion, the Senate adjourned at 3:20 p.m. to meet Thursday, February 24, 2011, at 9:30 a.m.