

# Senate Journal

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

**Fourteenth Legislative Day, Wednesday, March 2, 2011**

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, Coates, Crain, David, Eason McIntyre, 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: Ellis.—1.

Senator Jolley declared a quorum present.

The prayer was offered by Reverend Kenneth J. Harder, St. Francis Xavier Catholic Church, Stillwater, the guest of Senator Halligan.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SB 10, 38, 54, 117, 214, 253, 304, 328, 395, 406, 576, 577, 584, 693, 694, 783, 808, 821, 822, 823, 824, 862 and 865** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### GENERAL ORDER

**SB 45** by Garrison et al of the Senate and Faught et al of the House was called up for consideration.

Senator Barrington asked to coauthor **SB 45**, which was the order.

Senator Garrison moved that **SB 45** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 45** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Eason McIntyre, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Coates, Ellis and Lerblance.--3.

The bill and emergency passed.

**SB 45** was referred for engrossment.

**GENERAL ORDER**

**SB 417** by Anderson and Johnson (Constance) of the Senate and Richardson of the House was called up for consideration.

Senator Anderson moved that **SB 417** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 417** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Eason McIntyre, 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: Coates and Ellis.--2.

The bill passed.

**SB 417** was referred for engrossment.

**GENERAL ORDER**

**SB 379** by Simpson of the Senate and Ownbey of the House was called up for consideration.

Senator Simpson moved that **SB 379** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 379** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Eason McIntyre, 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: Coates and Ellis.--2.

The bill passed.

**SB 379** was referred for engrossment.

**GENERAL ORDER**

**SB 3** by Mazzei of the Senate and McNiell of the House was called up for consideration.

Senator Holt asked to coauthor **SB 3**, which was the order.

Senator Mazzei asked that **SB 3** be laid over temporarily, with was the order.

**SB 3** remains on General Order.

**GENERAL ORDER**

**SB 289** by David of the Senate and Kirby of the House was called up for consideration.

Senator David moved that **SB 289** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 289** 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, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--44.

Nay: Aldridge and Wyrick.--2.

Excused: Ellis and Marlatt.--2.

The bill and emergency passed.

**SB 289** was referred for engrossment.

**GENERAL ORDER**

**SB 595** by Brinkley of the Senate and Derby of the House was called up for consideration.

Senator Brinkley moved that **SB 595** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 595** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, 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: Ellis.--1.

The bill and emergency passed.

**SB 595** was referred for engrossment.

### **GENERAL ORDER**

**SB 270** by Burrage of the Senate and Martin (Scott) of the House was called up for consideration.

Senator Garrison asked to coauthor **SB 270**, which was the order.

Senator Anderson moved to amend **SB 270**, Page 9, Line 24, by inserting after the word "except" and before the word "those", the words "compilations and", which amendment was declared adopted.

Senator Burrage moved that **SB 270** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 270** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, 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: Ellis.--1.

The bill and emergency passed.

**SB 270** was referred for engrossment.

### **GENERAL ORDER**

**SB 3** by Mazzei and Holt of the Senate and McNeil of the House was called up for further consideration.

Senator Adelson moved that **SB 3** be advanced, which motion failed of adoption upon roll call as follows:

Aye: Adelson.--1.

Nay: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, 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: Ellis.--1.

Senator Adelson moved to amend **SB 3**, Page 5, Line 13½, by inserting a new SECTION 4 to read as follows:

“SECTION 4. REPEALER 68 O.S. 2001, Section 2355, as last amended by Section 7, Chapter 136, O.S.L. 2007 (68 O.S. Supp. 2010, Section 2355), is hereby repealed.”, and by renumbering subsequent sections, which amendment was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Fields, Ford, Garrison, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--39.

Nay: Adelson, Eason McIntyre, Halligan, Johnson (C), Myers, Rice, Wilson and Wyrick.--8.

Excused: Ellis.--1.

Senator Mazzei moved that **SB 3** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 3** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Fields, Ford, Garrison, Halligan, Holt, Ivester, 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.--45.

Nay: Eason McIntyre and Johnson (C).--2.

Excused: Ellis.--1.

The bill and emergency passed.

Pursuant to Rule 12-21, Senator Mazzei served notice that the vote be reconsidered whereby **SB 3** passed.

### **GENERAL ORDER**

**SB 102** by Aldridge of the Senate and Schwartz of the House was called up for consideration.

Senator Aldridge moved that **SB 102** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 102** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Nay: Eason McIntyre and Johnson (C).--2.

Excused: Bingman, Ellis, Reynolds and Rice.--4.

The bill passed.

**SB 102** was referred for engrossment.

### **ELECTRONIC DISTRIBUTION**

Senator Schulz notified the members of the Senate pursuant to the provisions of Senate Rule 5-6, copies of **SB 553** (duplicate sections bill), have been made available electronically, via e-mail to all Senators and Executive assistants.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1007, 1034, 1197, 1230, 1274, 1338, 1363, 1382, 1489** and **1918** and **HCR 1003**.

**HB 1007** – By McDaniel (Randy) of the House and Mazzei of the Senate.

An Act relating to public finance; enacting the Pension Funding Accountability Act of 2011; amending 62 O.S. 2001, Section 41.29f, as renumbered by Section 64, Chapter 441, O.S.L. 2009 (62 O.S. Supp. 2010, Section 34.93), which relates to the Teachers' Retirement System Dedicated Revenue Revolving Fund; providing fund to be administered by the State Department of Education; providing for transfer of revenues apportioned to the Teachers' Retirement System Dedicated Revenue Revolving Fund to the Teachers' Retirement System of Oklahoma; and providing for noncodification.

**HB 1034** – By Murphey and Derby of the House and Aldridge of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Sections 85.5, as last amended by Section 1, Chapter 170, O.S.L. 2010, 85.41, as last amended by Section 11, Chapter 322, O.S.L. 2009, and 85.42, as last amended by Section 12, Chapter 322, O.S.L. 2009 (74 O.S. Supp. 2010, Sections 85.5, 85.41 and 85.42), which relate to The Oklahoma Central Purchasing Act; modifying the powers and duties of the State Purchasing Director; modifying certain contracts; and providing an effective date.

**HB 1197** – By McDaniel (Jeannie), Dorman, Inman, Peterson, Walker and Proctor of the House and Anderson of the Senate.

An Act relating to children; creating the Children of Incarcerated Parents Task Force; providing for membership; directing how vacancies should be filled; providing for subcommittees; requiring final written report; specifying date of report; providing for termination of Task Force; requiring organizational meeting; providing for selection of chair and vice-chair; specifying meeting frequency; providing for staff assistance; prohibiting travel reimbursement; permitting use of public and private resources; providing for codification; providing an effective date; and declaring an emergency.

**HB 1230** – By Ownbey of the House and Mazzei of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 1105, as last amended by Section 3, Chapter 297, O.S.L. 2008 (47 O.S. Supp. 2010, Section 1105), which relates to certificates of title; removing certain title application requirements; expanding scope of declaration; amending 47 O.S. 2001, Section 1111, as last amended by Section 2, Chapter 321, O.S.L. 2010 (47 O.S. Supp. 2010, Section 1111), which relates to vehicle titles; modifying definition; providing an effective date; and declaring an emergency.

**HB 1274** – By Virgin and Cannaday of the House and Stanislawski of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 6-187, as last amended by Section 4, Chapter 61, O.S.L. 2010 (70 O.S. Supp. 2010, Section 6-187), which relates to the Oklahoma teacher preparation system; removing certain date restrictions; allowing certain teachers to become certified in certain areas, subject to certain requirements; allowing teachers certified through accredited program to be certified in special education, subject to certain requirements; providing an effective date; and declaring an emergency.



**HB 1338** – By Renegar and Lockhart of the House and Lerblance of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-112A, as last amended by Section 2, Chapter 129, O.S.L. 2008 (29 O.S. Supp. 2010, Section 4-112A), which relates to the certificate of competency and safety requirements; changing age under which a certificate is required; changing age for an accompanying licensed hunter; changing age for an apprentice hunting license; and declaring an emergency.

**HB 1363** – By Peters, McDaniel (Jeannie), Newell and Cockroft of the House and Jolley and Allen of the Senate.

An Act relating to poor persons; creating the Oklahoma Choices for Long-Term Care Act; stating purpose; making legislative findings; stating eligibility for the ADvantage Waiver Program; directing Oklahoma Health Care Authority to create a system of eligibility for home- and community-based services; directing Department of Human Services to make certain changes in regulations; directing Authority to submit applications for waivers by certain date; providing that copies of waivers be provided to certain individuals; requiring authority to implement waivers within certain time period; requiring Authority to include certain information in annual report; directing the Long-Term Care Management Authority (LTCA) to lead efforts to address long-term supports and service needs; providing for certain duties; directing certain state agencies to cooperate and collaborate; directing LTCA to assume administrative agent responsibilities for ADvantage Waiver Program; providing certain duties; providing for codification; and declaring an emergency.

**HB 1382** – By Condit, Roan and Walker of the House and Shortey of the Senate.

An Act relating to corrections; amending 21 O.S. 2001, Section 701.12, which relates to aggravating circumstances for murder; deleting reference to guard; amending 57 O.S. 2001, Sections 20, 510, as last amended by Section 1, Chapter 232, O.S.L. 2009, 561.1, as last amended by Section 3, Chapter 455, O.S.L. 2009 and 562 (57 O.S. Supp. 2010, Sections 510 and 561.1), which relate to credits for good behavior and the Oklahoma Corrections Act of 1967; updating language; deleting references to guards; and providing an effective date.

**HB 1489** – By Brumbaugh of the House and Brown of the Senate.

An Act relating to public finance; amending Section 1, Chapter 327, O.S.L. 2007, as amended by Section 2, Chapter 475, O.S.L. 2010 (62 O.S. Supp. 2010, Section 46), which relates to public information; requiring certain road funding information be made available online; amending Section 3, Chapter 459, O.S.L. 2010 (68 O.S. Supp. 2010, Section 205.6), which relates to the disclosure of taxpayers who have claimed tax credits; eliminating provision providing tax year during which disclosure requirements become effective; and providing an effective date.

**HB 1918** – By Coody of the House and Ford of the Senate.

An Act relating to schools; requiring the Oklahoma Commission for Teacher Preparation to offer certain teachers a professional development program in certain mathematics instruction; stating purpose; specifying criteria for a professional development

program; requiring certain content; providing for codification; providing an effective date; and declaring an emergency.

**HCR 1003** – By Martin (Steve) of the House and Ford of the Senate.

A Concurrent Resolution honoring the memory of S.M. “Monsieur” Moore; proclaiming September 25, 2011, as S.M. “Monsieur” Moore Day; and directing distribution.

The above-numbered measures were read the first time.

### **EXECUTIVE NOMINATIONS**

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

Aragon, Rita A., Edmond, as the Cabinet Secretary of Veterans Affairs - Veterans and Military Affairs

Deering, Myles L., Norman, as the Cabinet Secretary of the Military - Veterans and Military Affairs

Elliott, Kathy, Stillwater, as a member of the Student Loan Authority - Education

Hudecki, Phyllis A., Edmond, as the Cabinet Secretary of Education - Education

Lopez, David R., Oklahoma City, as the Cabinet Secretary of Commerce and Tourism - Business and Commerce

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, March 3, 2011, at 9:30 a.m., which motion prevailed.

### **FIRST READING**

The following was introduced and read the first time:

**SCR 7** – By David of the Senate and Faught of the House.

A Concurrent Resolution commending the United States Marshals and their role in Oklahoma history; supporting the U.S. Marshals Museum in Fort Smith, Arkansas; encouraging cooperation in promoting cultural tourism; and directing distribution.

Pursuant to the Schulz motion, the Senate adjourned at 2:35 p.m. to meet Thursday, March 3, 2011, at 9:30 a.m.