

# Senate Journal

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

**Twenty-eighth Legislative Day, Tuesday, March 29, 2011**

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: Adelson, 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, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—46.

Excused: Reynolds and Russell.—2.

Senator Stanislawski declared a quorum present.

The prayer was offered by Reverend Roy Schneider, First Presbyterian Church, Enid, the guest of Senator Anderson.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 16, 131, 137, 157 and 940** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Ivester asked unanimous consent to refer **SR 10** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 10** by Ivester was called up for consideration.

All other members of the Senate asked to coauthor **SR 10**, which was the order.

**SR 10** was adopted upon motion of Senator Ivester and referred for enrollment.

**GENERAL ORDER**

**HB 1321** by Wright et al of the House and Justice and Ivester of the Senate was called up for consideration.

Senators Garrison, Marlatt, Treat, Shortey, Brinkley, Brecheen, Newberry, Allen, David and Ford asked to coauthor **HB 1321**, which was the order.

Senator Justice moved that **HB 1321** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1321** 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, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Bingman, Reynolds and Russell.--3.

The bill passed.

**HB 1321** was referred for engrossment.

**GENERAL ORDER**

**HB 1666** by Osborn et al of the House and Justice of the Senate was called up for consideration.

Senators Allen, Treat and Brecheen asked to coauthor **HB 1666**, which was the order.

Senator Justice moved that **HB 1666** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1666** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Stanislawski, Sykes, Treat and Wyrick.--39.

Nay: Eason McIntyre, Ellis, Johnson (C), Lerblance, Sparks and Wilson.--6.

Excused: Bingman, Reynolds and Russell.--3.

The bill and emergency passed.

**HB 1666** was properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Ivester asked unanimous consent to refer **SR 9** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 9** by Ivester was called up for consideration.

All other members of the Senate asked to coauthor **SR 9**, which was the order.

**SR 9** was adopted upon motion of Senator Ivester and referred for enrollment.

**GENERAL ORDER**

**HB 1197** by McDaniel (Jeannie) et al of the House and Anderson and Johnson (Constance) of the Senate was called up for consideration.

Senator Brecheen asked to coauthor **HB 1197**, which was the order.

Senator Anderson moved that **HB 1197** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1197** 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, 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, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--44.

Excused: Bingman, Reynolds, Russell and Wyrick.--4.

The bill and emergency passed.

**HB 1197** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1441** by Cox of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved that **HB 1441** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1441** 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--44.

Excused: Mazzei, Reynolds, Russell and Wyrick.--4.

The bill passed.

**HB 1441** was properly signed and ordered returned to the Honorable House.

**CHANGE IN COMMITTEE ASSIGNMENTS**

The following bills will be reassigned as follows:

**HB 1243** – Withdrawn from Business and Labor and referred to Retirement and Insurance

**HB 1996** – Withdrawn from Business and Labor and referred to Retirement and Insurance

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

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

**SB 102**

**SB 527** - coauthored by Hoskin

**SB 943**

House amendments were read on the above-numbered bills.

**MESSAGES FROM THE HOUSE**

Advising passage of and returning the following Engrossed bills:

**SB 862** - coauthored by Tibbs

**SB 865**

The above-numbered measures were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 16, 131, 137, 157 and 940**.

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

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, March 30, 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:

**HB 1015** – General Government

Ayes: Adelson, Aldridge, Ballenger, Brown, Rice, Shortey, Treat

**HB 1016** – General Government

Ayes: Adelson, Aldridge, Ballenger, Brown, Rice, Shortey, Treat

**HB 1017** – General Government

Ayes: Aldridge, Ballenger, Brown, Rice, Shortey, Treat

Nays: Adelson

**HB 1018** – General Government

Ayes: Adelson, Aldridge, Ballenger, Brown, Rice, Shortey, Treat

**HB 1019** – General Government

Ayes: Adelson, Aldridge, Ballenger, Brown, Rice, Shortey, Treat

**HB 1026** – General Government

Ayes: Adelson, Aldridge, Ballenger, Brown, Rice, Shortey, Treat

**HB 1047** – General Government

Ayes: Aldridge, Ballenger, Brown, Rice, Shortey, Treat

**HB 1194** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Rob), Newberry, Russell, Wilson

**HB 1228** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Rob), Newberry, Russell, Wilson

**HB 1249** – Agriculture and Rural Development

Ayes: Barrington, Fields, Ivester, Justice, Myers, Simpson, Sykes

Nays: Allen, Anderson, Bass, Ellis, Wyrick

**HB 1283** – General Government

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

**HB 1323** – General Government

Ayes: Aldridge, Ballenger, Brown, Rice, Schulz, Shortey, Treat

**HB 1377** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Johnson (Rob), Newberry, Russell, Wilson

**HB 1412** – General Government

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

**HB 1504** – Health and Human Services, coauthored by Pittman of the House

Ayes: Brinkley, Burrage, Crain, Johnson (Rob), Newberry, Russell, Wilson

**HB 1511** – General Government

Ayes: Aldridge, Ballenger, Brown, Marlatt, Rice, Shortey, Treat

**HB 1593** – General Government

Ayes: Aldridge, Brown, Marlatt, Shortey, Treat

Nays: Adelson, Ballenger, Rice

**HB 1669** – General Government, coauthored by Inman of the House

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

**HB 1680** – Education

Ayes: Branan, Brecheen, David, Ford, Garrison, Halligan, Holt, Jolley, Lerblance, Mazzei, Nichols, Paddack, Sparks, Stanislawski

**HB 1685** – General Government

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

**HB 1917** – Education

Ayes: Branan, Brecheen, David, Ford, Garrison, Halligan, Holt, Jolley, Lerblance, Mazzei, Nichols, Paddack, Sparks, Stanislawski

**HB 1992** – General Government

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

DO PASS, As Amended:

**HB 1034** – General Government

Ayes: Adelson, Aldridge, Ballenger, Brown, Rice, Shortey, Treat

**HB 1051** – General Government

Ayes: Adelson, Aldridge, Ballenger, Brown, Rice, Shortey, Treat

**HB 1533** – General Government

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

**CS for HB 1888** – Health and Human Services, coauthored by Brinkley, Newberry of the Senate

Ayes: Brinkley, Burrage, Crain, Johnson (Rob), Newberry, Russell

Nays: Wilson

**HB 2017** – Health and Human Services

Ayes: Brinkley, Burrage, Crain, Johnson (Constance), Johnson (Rob), Newberry, Russell, Wilson

**COMMITTEE REPORTS**

The following were reported by the committees named and referred to a second committee:

**DO PASS:****HB 1086** – General Government

Ayes: Aldridge, Ballenger, Brown, Marlatt, Rice, Shortey, Treat

**DO PASS, As Amended:****HB 1744** – Education

Ayes: Branan, Brecheen, David, Ford, Halligan, Holt, Jolley, Mazzei, Nichols, Paddack, Sparks, Stanislawski

Nays: Garrison, Lerblance

**HB 2115** – Education, coauthored by Branan of the Senate

Ayes: Branan, Brecheen, David, Ford, Halligan, Jolley, Mazzei, Nichols, Sparks, Stanislawski

Nays: Garrison, Lerblance, Paddack

**HB 2116** – Education

Ayes: Branan, Brecheen, David, Ford, Garrison, Halligan, Holt, Lerblance, Mazzei, Nichols, Paddack, Sparks, Stanislawski

Nays: Jolley

Pursuant to the Schulz motion, the Senate adjourned at 2:20 p.m. to meet Wednesday, March 30, 2011, at 1:30 p.m.