

# Senate Journal

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

**Thirtieth Legislative Day, Thursday, March 31, 2011**

The Senate was called to order by Senator David.

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, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—47.

Excused: Laster.—1.

Senator David 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

**HB 1271** was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 130, 160, 179, 187, 263, 277, 282** and **443** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### GENERAL ORDER

**HB 1374** by Holland and Ritze of the House and Fields of the Senate was called up for consideration.

Senator Fields moved that **HB 1374** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1374** 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, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Crain, Johnson (R) and Laster.--3.

The bill and emergency passed.

**HB 1374** was referred for engrossment.

**EXECUTIVE NOMINATION**

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

Aragon, Rita A., Edmond, as the Cabinet Secretary of Veterans Affairs, to serve at the pleasure of the Governor, succeeding Norman Lamb. (Veterans and Military Affairs Committee) Motion to confirm made by Senator Clark Jolley.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--45.

Excused: Crain, Laster and Wyrick.--3.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

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

**GENERAL ORDER**

**SR 3** by Ballenger was called up for consideration.

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

**SR 3** was adopted upon motion of Senator Ballenger and referred for enrollment.

**GENERAL ORDER**

**HB 1638** by Ortega of the House and Fields of the Senate was called up for consideration.

Senator Fields moved that **HB 1638** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1638** 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, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

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

Excused: Laster and Mazzei.--2.

The bill and emergency passed.

**HB 1638** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 2139** by Steele et al of the House and Bingman and Ford of the Senate was called up for consideration.

Senator Ford moved that **HB 2139** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2139** 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: Adelson, Ballenger, Bass, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Lerblance, Paddock, Rice, Sparks, Wilson and Wyrick.--16.

Excused: Laster.--1.

The bill passed.

**HB 2139** was properly signed and ordered returned to the Honorable House.

**Senator Sykes presiding.**

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Johnson (Rob) asked unanimous consent to refer **SR 8** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 8** by Johnson (Rob) was called up for consideration.

**SR 8** was adopted upon motion of Senator Johnson (Rob) and referred for enrollment.

**GENERAL ORDER**

**HB 1380** by Holland et al of the House and Ford of the Senate was called up for consideration.

Senator Ford moved that **HB 1380** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1380** 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, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Simpson, Stanislawski, Sykes and Treat.--30.

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

Excused: Laster and Shortey.--2.

The bill passed and the emergency failed.

Pursuant to Rule 12-21, Senator Ford served notice that the vote be reconsidered whereby **HB1380** passed and emergency failed.

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1008 and 1359**.

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

Advising the signing of and transmitting for signature Enrolled **HCRs 1007 and 1009**.

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

Advising passage of and returning the following Engrossed bills:

**SB 59** - coauthored by Condit and Walker

**SB 287**

**SB 648**

**SB 856** - coauthored by Reynolds, Ritze, Kern

The above-numbered measure was referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 130, 160, 179, 187, 263, 277, 282 and 443**.

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

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

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

**SB 339**

House amendments were read on the above-numbered bill.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 4, 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 1044** – Judiciary, coauthored by Billy of the House, and coauthored by Sparks, Brecheen of the Senate

Ayes: Bingman, Brecheen, Johnson (Rob), Laster, Lerblance, Shortey, Sykes

Nays: Crain, Eason McIntyre

**HB 1060** – Transportation

Ayes: Allen, Branan, Burrage, Holt, Johnson (Constance), Marlatt, Newberry, Paddack, Stanislawski

**HB 1061** – Transportation

Ayes: Allen, Branan, Burrage, Holt, Johnson (Constance), Marlatt, Newberry, Paddack, Stanislawski

**HB 1209** – Judiciary

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

Nays: Eason McIntyre, Lerblance

**HB 1218** – Judiciary

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

**HB 1296** – Judiciary

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

Nays: Eason McIntyre

**HB 1358** – Judiciary, coauthored by Kern of the House

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

**HB 1468** – Rules

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

**HB 1520** – Judiciary

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

**HB 1606** – Judiciary

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

**HB 1686** – Transportation, coauthored by Shelton of the House, and coauthored by Johnson (Constance) of the Senate

Ayes: Allen, Branam, Burrage, Holt, Johnson (Constance), Marlatt, Newberry, Paddack, Stanislawski

**HB 1909** – Energy

Ayes: Adelson, Allen, Branam, Burrage, Fields, Ivester, Jolley, Lerblance, Marlatt, Myers, Paddack, Simpson

**HB 2038** – Judiciary

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

Nays: Eason McIntyre, Lerblance

DO PASS, As Amended:

**HB 1050** – Rules

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

**HB 1225** – Rules

Ayes: Anderson, Branam, Brecheen, Eason McIntyre, Ellis, Fields, Ford, Garrison, Holt, Johnson (Rob), Jolley, Nichols, Sykes, Wyrick

Nays: Newberry

**HB 1230** – Finance, coauthored by Ivester of the Senate

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

**HB 1231** – Finance, coauthored by Ivester of the Senate

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

**HB 1285** – Finance

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

**HB 1464** – Finance

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

**HB 1556** – Veterans and Military Affairs, coauthored by Allen, Barrington, Bass, Shortey of the Senate

Ayes: Adelson, Aldridge, Allen, Barrington, Bass, Brown, Coates, David, Garrison, Ivester, Johnson (Constance), Reynolds, Russell, Shortey, Simpson, Treat

**HB 1614** – Rules

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

**HB 1615** – Rules

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

**HB 1634** – Finance, coauthored by Kern of the House, and coauthored by Jolley, Treat of the Senate

Ayes: Aldridge, Ballenger, Brinkley, David, Ford, Halligan, Ivester, Jolley, Mazzei, Schulz, Simpson, Treat, Wilson

**HB 1750** – Rules

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

**HB 1954** – Finance

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



**CS for HB 1990** – Transportation

Ayes: Allen, Branan, Burrage, Holt, Johnson (Constance), Marlatt, Newberry, Paddack, Stanislawski

**HB 2049** – Transportation, coauthored by Walker of the House

Ayes: Allen, Branan, Burrage, Holt, Johnson (Constance), Marlatt, Paddack, Stanislawski  
Nays: Newberry

**HB 2121** – Finance, coauthored by Ivester of the Senate

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

**HB 2156** – Rules

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

FAILED:

**HB 1005** – Retirement and Insurance

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

**COMMITTEE REPORTS**

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

DO PASS:

**HB 1343** – Veterans and Military Affairs, coauthored by Allen, David, Shortey of the Senate

Ayes: Adelson, Aldridge, Allen, Barrington, Bass, Brown, Coates, David, Garrison, Ivester, Johnson (Constance), Reynolds, Russell, Shortey, Simpson, Treat

**HB 1776** – Rules

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

DO PASS, As Amended:

**HB 1319** – Judiciary, coauthored by Brecheen of the Senate

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

**HB 1555** – Veterans and Military Affairs, coauthored by Adelson, Allen, David, Garrison, Johnson (Constance), Russell, Shortey of the Senate

Ayes: Adelson, Aldridge, Allen, Barrington, Bass, Brown, Coates, David, Garrison, Ivester, Johnson (Constance), Reynolds, Russell, Shortey, Simpson, Treat

### **FIRST READING**

The following were introduced and read the first time:

**SR 11** – By Jolley.

A Resolution congratulating the Edmond Santa Fe High School Girls Basketball team on its Class 6A state championship; and directing distribution.

**SR 12** – By Jolley.

A Resolution congratulating the Edmond Memorial High School Boys Basketball team on its Class 6A state championship; and directing distribution.

**SR 13** – By Jolley.

A Resolution celebrating the life and accomplishments of Dr. Don Eugene Vinzant; extending condolences and appreciation to his family; and directing distribution.

Pursuant to the Schulz motion, the Senate adjourned at 11:30 a.m. to meet Monday, April 4, 2011, at 1:30 p.m.