

Senate Journal

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

Thirty-third Legislative Day, Wednesday, April 6, 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, 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 Brian Anderson, Wayne United Methodist Church, Wayne, the guest of Senator Sparks.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HB 1888 was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SB 162 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

HB 1669 by Osborn et al of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HB 1669** be advanced, which motion was declared adopted.

THIRD READING

HB 1669 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Bingman and Mazzei.--2.

The bill passed.

HB 1669 was properly signed and ordered returned to the Honorable House.

DEDICATION

Former Senator Charles Ford presented the painting "Charles Banks Wilson". Senator Ford introduced the artist, Mike Wimmer, who addressed the Senate. Senator Ford also introduced Howard Barnett and his wife Billie, who presented the painting as a gift to the Senate. Mr. Barnett addressed the Senate.

Senator Ford introduced Charles Banks Wilson, who addressed the Senate.

Senator Sykes presiding.

GENERAL ORDER

HB 1015 by Faught of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1015** be advanced, which motion was declared adopted.

THIRD READING

HB 1015 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, David, Eason McIntyre, Ellis, Fields,

Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Paddack, Reynolds, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--43.

Excused: Crain, Newberry, Nichols, Russell and Wilson.--5.

The bill passed.

HB 1015 was properly signed and ordered returned to the Honorable House.

Senator Stanislawski presiding.

GENERAL ORDER

HB 1016 by Faught of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1016** be advanced, which motion was declared adopted.

THIRD READING

HB 1016 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, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Crain and Newberry.--2.

The bill passed.

HB 1016 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1017 by Faught and Ritze of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1017** be advanced, which motion was declared adopted.

THIRD READING

HB 1017 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, 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, Laster, Lerblance, Marlatt, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--44.

Nay: Adelson.--1.

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

The bill passed.

HB 1017 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1018 by Faught of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1018** be advanced, which motion was declared adopted.

THIRD READING

HB 1018 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, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Crain, Newberry and Nichols.--3.

The bill passed.

HB 1018 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1019 by Faught of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1019** be advanced, which motion was declared adopted.

THIRD READING

HB 1019 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, 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, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Crain and Rice.--2.

The bill passed.

HB 1019 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1026 by Faught of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1026** be advanced, which motion was declared adopted.

THIRD READING

HB 1026 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Nichols, Paddack, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Wilson and Wyrick.--36.

Nay: Allen, Anderson, Brinkley, Holt, Johnson (C), Mazzei, Reynolds, Shortey, Sykes and Treat.--10.

Excused: Crain and Newberry.--2.

The bill passed.

HB 1026 was properly signed and ordered returned to the Honorable House.

EXECUTIVE NOMINATIONS

The following executive nominations have been approved by the committee named:

Reese, James Lee, Nardin, to the State Board of Agriculture, to serve at the pleasure of the Governor, succeeding Terry Peach. (Agriculture and Rural Development Committee) Motion to confirm made by Senator David Myers.

Reese, James Lee, Nardin, as the Cabinet Secretary of Agriculture, to serve at the pleasure of the Governor, succeeding Terry Peach. (Agriculture and Rural Development Committee) Motion to confirm made by Senator David Myers.

Motions to confirm the above-named executive nominations were 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, Laster, Lerblance, Marlatt, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislowski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Crain and Newberry.--2.

GENERAL ORDER

HB 1909 by Jackson of the House and Branan of the Senate was called up for consideration.

Senator Branan moved that **HB 1909** be advanced, which motion was declared adopted.

THIRD READING

HB 1909 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, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Crain and Newberry.--3.

The bill and emergency passed.

HB 1909 was properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to refer **SR 11** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 11 by Jolley was called up for consideration.

All other members of the Senate asked to coauthor **SR 11**, which was the order.

SR 11 was adopted upon motion of Senator Jolley and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to refer **SR 12** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 12 by Jolley was called up for consideration.

All other members of the Senate asked to coauthor **SR 12**, which was the order.

SR 12 was adopted upon motion of Senator Jolley and referred for enrollment.

GENERAL ORDER

HB 1606 by Stiles and Tibbs of the House and Anderson of the Senate was called up for consideration.

Senator Anderson moved that **HB 1606** be advanced, which motion was declared adopted.

THIRD READING

HB 1606 was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, 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, Simpson, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--42.

Nay: Allen, Shortey and Treat.--3.

Excused: Adelson, Brown and Crain.--3.

The bill passed.

HB 1606 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2117 by Hickman and Jackson of the House and Mazzei and Ivester of the Senate was called up for consideration.

Senator Mazzei moved that **HB 2117** be advanced, which motion was declared adopted.

THIRD READING

HB 2117 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, 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, 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 Crain.--2.

The bill passed.

HB 2117 was referred for engrossment.

GENERAL ORDER

HB 1323 by Wright of the House and Schulz of the Senate was called up for consideration.

Senator Schulz moved that **HB 1323** be advanced, which motion was declared adopted.

THIRD READING

HB 1323 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, 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, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Crain and Rice.--3.

The bill passed.

HB 1323 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1685 by Peterson of the House and Brown of the Senate was called up for consideration.

Senator Brown moved that **HB 1685** be advanced, which motion was declared adopted.

THIRD READING

HB 1685 was read for the third time at length.

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

Aye: Aldridge, 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, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Allen and Crain.--3.

The bill passed.

HB 1685 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1285 by Dank et al of the House and Mazzei of the Senate was called up for consideration.

Senator Johnson (Constance) asked to coauthor **HB 1285**, which was the order.

Senator Mazzei moved that **HB 1285** be advanced, which motion was declared adopted.

THIRD READING

HB 1285 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, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Adelson, Crain and Nichols.--3.

The bill and emergency passed.

HB 1285 was referred for engrossment.

GENERAL ORDER

HB 1954 by McNeil of the House and Mazzei of the Senate was called up for consideration.

Senator Mazzei moved that **HB 1954** be advanced, which motion was declared adopted.

THIRD READING

HB 1954 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, 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, 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 Crain.--2.

The bill passed.

HB 1954 was referred for engrossment.

GENERAL ORDER

HB 1564 by Jordan of the House and Schulz of the Senate was called up for consideration.

Senator Schulz moved that **HB 1564** be advanced, which motion was declared adopted.

THIRD READING

HB 1564 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, 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.--46.

Excused: Adelson and Crain.--2.

The bill and emergency passed.

HB 1564 was properly signed and ordered returned to the Honorable House.

CHANGE IN COMMITTEE ASSIGNMENT

HB 1652 – Withdrawn from Public Safety and referred to Rules

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 42 - coauthored by Kern and Bennett of the House and Fields of the Senate
SB 96

House amendments were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 92

SB 117 - coauthored by Roan

SB 657 - Remove Representative Kirby and substitute Representative Aaron Stiles as Principal House Author and, coauthored by Kirby, Cooksey, Roberts (Dustin) and Mulready

SB 921 - coauthored by Ritze, Billy and Roberts (Dustin)

The above-numbered measures were referred for enrollment.

Advising fourth reading of and returning Enrolled **SB 162**.

The above-numbered enrolled measure was referred to the Governor.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1194, 1249** and **1380**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HB 1374**.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 7, 2011, at 9:30 a.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

HB 1310 – Agriculture and Rural Development

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

HB 1327 – Agriculture and Rural Development, coauthored by Walker of the House

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

HB 1471 – Agriculture and Rural Development

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

HB 1472 – Agriculture and Rural Development

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

HB 1715 – Health and Human Services

Ayes: Crain, Johnson (Rob), Newberry, Wilson

HB 1826 – Health and Human Services

Ayes: Crain, Johnson (Constance), Johnson (Rob), Newberry, Wilson

DO PASS, As Amended:

HB 1355 – Public Safety

Ayes: Barrington, Johnson (Constance), Justice, Reynolds, Russell, Shortey

CS for HB 1473 – Agriculture and Rural Development

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

HB 1475 – Business and Commerce

Ayes: Brinkley, Coates, David, Eason McIntyre, Ellis, Ford, Halligan, Holt, Newberry

HB 1658 – Health and Human Services

Ayes: Crain, Johnson (Constance), Johnson (Rob), Newberry, Wilson

CS for HB 1957 – Agriculture and Rural Development

Ayes: Anderson, Barrington, Ellis, Fields, Ivester, Justice, Myers, Simpson, Sykes, Wyrick

Nays: Allen

HJR 1002 – Finance, coauthored by Shelton of the House, and coauthored by Treat of the Senate

Ayes: Aldridge, David, Ford, Mazzei, Reynolds, Russell, Simpson, Treat

Nays: Adelson, Ballenger, Halligan, Ivester, Sparks, Wilson

MESSAGE FROM THE GOVERNOR

Advising her approval April 6, 2011, of Enrolled **SBs 130, 160, 179, 187, 263, 277, 282 and 443.**

Pursuant to the Schulz motion, the Senate adjourned at 3:00 p.m. to meet Thursday, April 7, 2011, at 9:30 a.m.