

Senate Journal

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

Thirty-seventh Legislative Day, Wednesday, April 13, 2011

The Senate was called to order by Senator Ford.

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 Ford declared a quorum present.

The prayer was offered by Reverend Kirt Moelling, Lakeside United Methodist Church, Oklahoma City, the guest of Senator Rice.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HB 1034 was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SB 104 and **603** and **SCR 11** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

HB 1854 by Shumate of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski moved to amend **HB 1854**, Page 1, by striking the title, which amendment was declared adopted.

Senator Stanislawski moved that **HB 1854** be advanced, which motion was declared adopted.

THIRD READING

HB 1854 was read for the third time at length.

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

Aye: Adelson, Allen, Anderson, Ballenger, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Nay: Bass.--1.

Excused: Aldridge, Burrage, Coates, Johnson (R), Mazzei, Shortey and Sparks.--7.

The bill passed.

HB 1854 was referred for engrossment.

GENERAL ORDER

HB 1826 by Trebilcock et al of the House and Brinkley of the Senate was called up for consideration.

Senator Nichols moved to amend **HB 1826**, Page 2, Line 14 ½, by inserting a new SECTION 3 to read as follows:

"SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-309D, as last amended by Section 3, Chapter 160, O.S.L. 2010 (63 O.S. Supp. 2010, Section 2-309D), is amended to read as follows:

Section 2-309D. A. The information collected at the central repository pursuant to the Anti-Drug Diversion Act shall be confidential and shall not be open to the public. Access to the information shall be limited to:

1. Peace officers certified pursuant to Section 3311 of Title 70 of the Oklahoma Statutes who are employed as investigative agents of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;
2. The United States Drug Enforcement Administration Diversion Group Supervisor;
3. A licensed medical doctor, osteopathic physician, doctor of podiatry, or doctor of psychiatry of this state or other licensed medical personnel authorized by law to prescribe those controlled dangerous substances eligible for the central repository. The prescribing doctor, physician or other authorized medical personnel shall be limited to access

information relevant only to the recipient being treated and only at the time prior to the substance being prescribed to the recipient;

4. The executive director or chief investigator, as designated by each board, of the following state boards:

- a. Board of Podiatric Medical Examiners,
- b. Board of Dentistry,
- c. State Board of Pharmacy,
- d. State Board of Medical Licensure and Supervision,
- e. State Board of Osteopathic Examiners,
- f. State Board of Veterinary Medical Examiners, and
- g. Oklahoma Health Care Authority;

provided, however, that the executive director or chief investigator of each of these boards shall be limited to access to information relevant to licensees of the employing board of such executive director or chief investigator; and

4. 5. A multicounty grand jury properly convened pursuant to the Multicounty Grand Jury Act, Sections 350 through 363 of Title 22 of the Oklahoma Statutes.

B. This section shall not prevent the disclosure, at the discretion of the Director of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, of investigative information to peace officers and investigative agents of federal, state, county or municipal law enforcement agencies, district attorneys and the Attorney General in furtherance of criminal investigations or prosecutions within their respective jurisdictions, and to registrants in furtherance of efforts to guard against the diversion of controlled dangerous substances.

C. Any unauthorized disclosure of any information collected at the central repository provided by the Anti-Drug Diversion Act shall be a misdemeanor. Violation of the provisions of this section shall be deemed willful neglect of duty and shall be grounds for removal from office.

D. Notwithstanding the provisions of subsection B, registrants shall have no requirement or obligation to access or check the information in the central repository prior to dispensing or administering medications or as part of their professional practices. Registrants shall not be liable to any person for any claim of damages as a result of accessing or failing to access the information in the central repository and no lawsuit may be predicated thereon. Nothing herein shall be construed to relieve a registrant from any duty to monitor and report the sales of certain products pursuant to subsection E of Section 2-309C of this title.

E. Information regarding nonfatal overdoses, other than statistical information as required by Section 2-106 of this title, shall be completely confidential. Access to this information shall be strictly limited to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or designee, the Chief Medical Examiner, and the registrant that enters the information. Registrants shall not be liable to any person for a claim of damages for information reported pursuant to the provisions of Section 2-105 of this title.", and by renumbering subsequent section and by amending the title to conform.

Senator Brinkley asked that **HB 1826** be laid over temporarily, which was the order.

HB 1826 remains on General Order pending consideration of the Nichols amendment.

GENERAL ORDER

HB 1362 by Peters and Grau of the House and Brown of the Senate was called up for consideration.

Senator Brown moved that **HB 1362** be advanced, which motion was declared adopted.

THIRD READING

HB 1362 was read for the third time at length.

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

Aye: Branan, Brecheen, Brown, Ford, Schulz and Treat.--6.

Nay: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Brinkley, Burrage, Crain, David, Eason McIntyre, Ellis, Fields, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Shortey, Simpson, Stanislawski, Sykes, Wilson and Wyrick.--39.

Excused: Coates, Johnson (R) and Sparks.--3.

The bill failed.

GENERAL ORDER

HJR 1002 by Dank et al of the House and Reynolds et al of the Senate was called up for consideration.

Senator Branan asked to coauthor **HJR 1002**, which was the order.

Senator Reynolds moved to amend **HJR 1002**, Page 1, Line 21, by deleting after the second comma “,” and before the word “the”, the words “any increase to” ; and Page 2, Lines 2 through 6, on Line 2 after the word “to” through Line 6, before the period “.” by deleting all language and by inserting the words, “three percent (3%)”; and Page 3, Lines 17 through 19, on Line 17 after the word “than” through Line 19, before the period “.” by deleting all language and by inserting the words, “three percent (3%)”, which amendment was declared adopted.

Senator Reynolds moved to amend **HJR 1002**, Page 1, by restoring the title, which amendment was declared adopted upon roll call as follows:

Aye: Aldridge, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, David, Fields, Ford, Holt, Jolley, Justice, Marlatt, Mazzei, Myers, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Sykes and Treat.--24.

Nay: Adelson, Allen, Ballenger, Bass, Burrage, Crain, Eason McIntyre, Ellis, Garrison, Halligan, Ivester, Johnson (C), Laster, Lerblance, Newberry, Paddack, Rice, Stanislawski, Wilson and Wyrick.--20.

Excused: Anderson, Coates, Johnson (R) and Sparks.--4.

Senator Reynolds moved that **HJR 1002** be advanced, which motion was declared adopted.

THIRD READING

HJR 1002 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, David, Ford, Holt, Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--26.

Nay: Adelson, Allen, Ballenger, Bass, Burrage, Crain, Eason McIntyre, Ellis, Fields, Garrison, Halligan, Ivester, Johnson (C), Laster, Lerblance, Paddack, Rice, Wilson and Wyrick.--19.

Excused: Coates, Johnson (R) and Sparks.--3.

The resolution passed.

HJR 1002 was referred for engrossment.

GENERAL ORDER

HB 2121 by Hickman of the House and Branan and Ivester of the Senate was called up for consideration.

Senator Branan asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2121**.

Senator Branan moved to amend **HB 2121**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Branan moved that **HB 2121** be advanced, which motion was declared adopted.

THIRD READING

HB 2121 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Shortey, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Anderson, Coates, Johnson (R), Russell and Sparks.--5.

The bill and emergency passed.

HB 2121 was referred for engrossment.

Senator Schulz moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Marlatt presiding.

Senator Marlatt questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

GENERAL ORDER

HB 1282 by Dank et al of the House and Treat of the Senate was called up for consideration.

Senator Treat moved that **HB 1282** be advanced, which motion was declared adopted.

THIRD READING

HB 1282 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, Bingman, Branan, Brecheen, Brinkley, Burrage, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--39.

Excused: Adelson, Allen, Bass, Brown, Coates, David, Laster, Mazzei and Paddack.--9.

The bill passed.

HB 1282 was referred for engrossment.

GENERAL ORDER

HB 1274 by Virgin et al of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski moved that **HB 1274** be advanced, which motion was declared adopted.

THIRD READING

HB 1274 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, Anderson, Ballenger, Barrington, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Nay: Garrison.--1.

Excused: Allen, Bass, Brown, David, Laster, Mazzei and Paddack.--7.

The bill and emergency passed.

HB 1274 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1310 by Richardson of the House and Fields of the Senate was called up for consideration.

Senator Fields moved that **HB 1310** be advanced, which motion was declared adopted.

THIRD READING

HB 1310 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Allen, Brown, David, Laster, Mazzei, Paddack and Reynolds.--7.

The bill passed.

HB 1310 was properly signed and ordered returned to the Honorable House.

Senator Stanislawski presiding.

GENERAL ORDER

HB 1372 by Holland of the House and Fields of the Senate was called up for consideration.

Senator Fields moved that **HB 1372** be advanced, which motion was declared adopted.

THIRD READING

HB 1372 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, 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.--43.

Excused: Adelson, Allen, Brown, David and Laster.--5.

The bill and emergency passed.

HB 1372 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1373 by Holland and Kern of the House and Fields of the Senate was called up for consideration.

Senator Fields moved to amend **HB 1373**, Page 6, Line 7, by inserting after the “comma” and before the word “or” the word “custodian, child”, which amendment was declared adopted.

Senator Fields moved to amend **HB 1373**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Fields moved that **HB 1373** be advanced, which motion was declared adopted.

THIRD READING

HB 1373 was read for the third time at length.

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

Aye: Aldridge, Barrington, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Mazzei, Myers, Nichols, Schulz, Simpson, Sparks, Stanislawski and Sykes.--23.

Nay: Anderson, Ballenger, Bass, Crain, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Newberry, Paddack, Reynolds, Rice, Russell, Shortey, Treat, Wilson and Wyrick.--20.

Excused: Adelson, Allen, Brown, David and Marlatt.--5.

The bill failed.

GENERAL ORDER

HB 1355 by McAffrey of the House and Anderson of the Senate was called up for consideration.

Senator Anderson moved that **HB 1355** be advanced, which motion was declared adopted.

THIRD READING

HB 1355 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, Crain, 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.--44.

Excused: Adelson, Allen, Brown and David.--4.

The bill passed.

HB 1355 was referred for engrossment.

GENERAL ORDER

HB 1472 by Armes of the House and Myers of the Senate was called up for consideration.

Senator Myers moved that **HB 1472** be advanced, which motion was declared adopted.

THIRD READING

HB 1472 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, Brinkley, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Wilson and Wyrick.--38.

Nay: Brecheen, Holt, Mazzei, Shortey, Sykes and Treat.--6.

Excused: Adelson, Allen, Brown and David.--4.

The bill passed.

HB 1472 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1461 by Denney et al of the House and Halligan and Johnson (Constance) of the Senate was called up for consideration.

Senators Garrison and Eason McIntyre asked to coauthor **HB 1461**, which was the order.

Senator Halligan moved that **HB 1461** be advanced, which motion was declared adopted.

THIRD READING

HB 1461 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, 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.--43.

Excused: Adelson, Allen, Brown, David and Mazzei.--5.

The bill and emergency passed.

HB 1461 was referred for engrossment.

Senator Marlatt presiding.

GENERAL ORDER

HB 1327 by Pruett and Walker of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 1327** be advanced, which motion was declared adopted.

THIRD READING

HB 1327 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, Crain, 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.--43.

Excused: Adelson, Allen, Brown, David and Mazzei.--5.

The bill passed.

HB 1327 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1338 by Renegar and Lockhart of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 1338** be advanced, which motion was declared adopted.

THIRD READING

HB 1338 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Adelson, Allen, Brown, David, Mazzei and Nichols.--6.

The bill and emergency passed.

HB 1338 was referred for engrossment.

GENERAL ORDER

HB 1339 by Renegar of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 1339** be advanced, which motion was declared adopted.

THIRD READING

HB 1339 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, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Nay: Shortey.--1.

Excused: Adelson, Allen, Brown, David, Mazzei and Reynolds.--6.

The bill passed.

HB 1339 was properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 104** and **603**.

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

Advising passage of and transmitting for consideration Engrossed **HCRs 1012** and **1014**.

HCR 1012 – By Richardson, Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Enns, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams and Wright of the House and Fields of the Senate.

A Concurrent Resolution relating to agriculture; extending appreciation to the agriculture industry of Oklahoma for its efforts and contributions to this state; proclaiming April 13, 2011, as Agriculture Day at the State Capitol; and providing for distribution.

HCR 1014 – By Thomsen, Roan, Wright, Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Enns, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Stiles, Sullivan, Terrill, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft and Williams of the House and Paddack, Brecheen, Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick of the Senate.

A Concurrent Resolution congratulating Jet and Cord McCoy upon their successes as professional cowboys and competitors on the reality show “The Amazing Race”; commending Jet and Cord McCoy for their many accomplishments, contributions and for well representing their heritage, values, and integrity; and directing distribution.

The above-numbered measures were read the first time.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Paddack asked unanimous consent to refer **HCR 1014** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1014 by Thomsen et al of the House and Paddack and Brecheen of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1014**, which was the order.

HCR 1014 was adopted upon motion of Senator Paddack and properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1047, 1255 and 1460**.

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 1010 and 1011**.

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

Advising passage of and returning the following Engrossed bill:

SB 801

The above-numbered measure was referred for enrollment.

Advising the signing of and returning Enrolled **SCR 11**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

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

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

SB 919 - coauthored by Sanders, Roan, Ritze and Brown

House amendments were read on the above-numbered bill.

MOTION TO RECONSIDER VOTE

Senator Newberry moved to reconsider the vote whereby **HB 1990** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Barrington, Bingman, Branan, Brecheen, Brinkley, Burrage, Crain, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Newberry, Nichols, Reynolds, Rice, Schulz, Simpson, Sparks, Stanislawski and Treat.--25.

Nay: Anderson, Ballenger, Bass, Coates, Eason McIntyre, Ellis, Garrison, Johnson (C), Laster, Lerblance, Paddack, Russell, Shortey, Sykes, Wilson and Wyrick.--16.

Excused: Adelson, Allen, Brown, David, Ivester, Mazzei and Myers.--7.

The Chair advised that Senator Myers, having been present in the Chamber during the vote on **HB 1990** would be shown voting Nay in compliance with Rule 15-1B. The vote thereby resulted as follows: Aye: 25; Nay: 17; Excused: 6.

THIRD READING

Senator Newberry moved to reconsider the vote whereby **HB 1990** was advanced, which motion was declared adopted.

GENERAL ORDER

HB 1990 by Sullivan of the House and Newberry and Sparks of the Senate was considered further.

Senator Newberry moved to amend **HB 1990**, Page 1, by striking the title, which amendment was declared adopted.

Senator Newberry moved that **HB 1990** be advanced, which motion was declared adopted.

THIRD READING

HB 1990 was read for the third time at length.

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

Aye: Aldridge, Barrington, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, Fields, Ford, Halligan, Holt, Johnson (R), Justice, Marlatt, Mazzei, Newberry, Nichols, Reynolds, Rice, Schulz, Simpson, Sparks, Stanislawski and Treat.--25.

Nay: Ballenger, Bass, Eason McIntyre, Ellis, Garrison, Johnson (C), Laster, Lerblance, Paddack, Russell, Shortey, Sykes, Wilson and Wyrick.--14.

Excused: Adelson, Allen, Anderson, Bingman, Brown, David, Ivester, Jolley and Myers.--9.

The bill passed.

HB 1990 was referred for engrossment.

GENERAL ORDER

HB 1826 by Trebilcock et al of the House and Brinkley of the Senate was called up for further consideration.

Senator Nichols asked that his previous amendment be withdrawn, which was the order.

Senator Brinkley moved that **HB 1826** be advanced, which motion was declared adopted.

THIRD READING

HB 1826 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, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Holt, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--37.

Excused: Adelson, Allen, Bingman, Brown, David, Halligan, Ivester, Jolley, Mazzei, Myers and Reynolds.--11.

The bill and emergency passed.

HB 1826 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1061 by Sanders of the House and Shortey of the Senate was called up for consideration.

Senator Ivester asked to coauthor **HB 1061**, which was the order.

Senator Shortey moved that **HB 1061** be advanced, which motion was declared adopted.

THIRD READING

HB 1061 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, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Garrison, Halligan, Holt, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--38.

Excused: Adelson, Allen, Bingman, Brown, David, Ford, Ivester, Jolley, Mazzei and Myers.--10.

The bill passed.

HB 1061 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1322 by Wright of the House and Schulz of the Senate was called up for consideration.

Senator Nichols moved to amend **HB 1322**, Page 1, Lines 23 and 24, by deleting all new language, which motion was declared adopted.

Senator Schulz moved that **HB 1322** be advanced, which motion was declared adopted.

THIRD READING

HB 1322 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, Brecheen, Brinkley, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--38.

Excused: Adelson, Allen, Bingman, Branan, Brown, David, Ford, Lerblance, Mazzei and Myers.--10.

The bill passed.

HB 1322 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 435** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named as follows: Bingman, Ford, Stanislawski, Jolley, Eason McIntyre and Sparks.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 12 - coauthored by Pittman

SB 170 - coauthored by Walker

SB 547 - Remove Ritze and substitute Johnson (Dennis) as principal House author, coauthored by Christian, Reynolds, Kern, Faught, Derby, Brumbaugh and Peterson of the House

The above-numbered measures were referred for enrollment.

EXECUTIVE NOMINATIONS

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

Carter, Pam, Tulsa, as a member of the Oklahoma Centennial Botanical Garden Authority - General Government

Cline, Terry L., Oklahoma City, as the Cabinet Secretary of Health and Human Services - Health and Human Services

Houghton, Carole, Yukon, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Ridley, Gary M., Yukon, as the Cabinet Secretary of Transportation - Transportation

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 14, 2011, at 9:30 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SCR 13 – By Bingman of the Senate and Trebilcock of the House.

A Concurrent Resolution calling on the United States Congress to prohibit certain regulatory actions relating to greenhouse gases and air quality requirements by the United

States Environmental Protection Agency and requesting certain study; and directing distribution.

SCR 14 – By Schulz of the Senate and Ortega of the House.

A Concurrent Resolution commending Eddie Wilcoxon for his contributions to this state; congratulating Mr. Wilcoxon for his appointment as State Poet Laureate; and directing distribution.

SR 15 – By Reynolds.

A Resolution commending Start Helping Impacted Neighborhoods Everywhere program; and directing distribution.

SR 16 – By Johnson (Constance).

A Resolution congratulating the Oklahoma Centennial High School Boys Basketball Team on its Class 3A state championship; and directing distribution.

MESSAGES FROM THE GOVERNOR

Advising her approval April 12, 2011, of Enrolled **SB 162**.

Advising her approval April 13, 2011, of Enrolled **SBs 92, 117, 657 and 921**.

Pursuant to the Schulz motion, the Senate adjourned at 3:35 p.m. to meet Thursday, April 14, 2011, at 9:30 a.m.