

# Senate Journal

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

**Twenty-ninth Legislative Day, Wednesday, March 30, 2011**

The Senate was called to order by Senator Marlatt.

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 Marlatt 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 1321** was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 862** and **865** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 9** and **10** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### EXECUTIVE NOMINATIONS

Ashwood, Albert R., Chandler, as Director of the Oklahoma Department of Civil Emergency Management, to serve at the pleasure of the Governor, succeeding himself. (General Government Committee) Motion to confirm made by Senator Harry Coates.

Cash, Dawn E., Oklahoma City, to the Oklahoma Tax Commission, to serve a six year term ending January 9, 2017, succeeding Constance Irby. (Finance Committee) Motion to confirm made by Senator Anthony Sykes.

Coffee, V. Glenn, Oklahoma City, as the Cabinet Secretary of State, to serve at the pleasure of the Governor, succeeding Susan Savage. (General Government Committee) Motion to confirm made by Senator David Holt.

Coffee, V. Glenn, Oklahoma City, as Secretary of State, to serve a four year term coterminous with the Governor, succeeding M. Susan Savage. (General Government Committee) Motion to confirm made by Senator David Holt.

Doerflinger, Preston L., Tulsa, as the Director of the Office of State Finance, to serve at the pleasure of the Governor, succeeding Michael Clingman. (Finance Committee) Motion to confirm made by Senator Mike Mazzei.

Doerflinger, Preston L., Tulsa, as the Cabinet Secretary of Finance and Revenue, to serve at the pleasure of the Governor, succeeding Scott Meacham. (Finance Committee) Motion to confirm made by Senator Mike Mazzei.

Hudecki, Phyllis A., Edmond, as the Cabinet Secretary of Education, to serve at the pleasure of the Governor, succeeding vacant. (Education Committee) Motion to confirm made by Senator Greg Treat.

Jackson, Oscar B., Jr., Norman, as the Administrator of the Office of Personnel Management, to serve at the pleasure of the Governor, succeeding himself. (General Government Committee) Motion to confirm made by Senator John Sparks.

Jackson, Oscar B., Jr., Norman, as the Cabinet Secretary of Human Resources and Administration, to serve at the pleasure of the Governor, succeeding himself. (General Government Committee) Motion to confirm made by Senator John Sparks.

Motions to confirm the above-named executive nominations were declared adopted upon roll call 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, Marlatt, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Bingman, Lerblance and Newberry.--3.

**GENERAL ORDER**

**HB 1271** by Coody of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 1271** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1271** 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, Garrison, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bingman, Ford, Halligan, Jolley, Newberry and Stanislawski.--6.

The bill passed.

**HB 1271** was referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Paddack asked unanimous consent to refer **HCR 1009** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1009** by Thomsen et al of the House and Paddack of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1009**, which was the order.

**HCR 1009** was adopted upon motion of Senator Paddack and properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1359** by Peters et al of the House and Brinkley et al of the Senate was called up for consideration.

Senators Eason McIntyre and Brecheen asked to coauthor **HB 1359**, which was the order.

Senator Brinkley moved that **HB 1359** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1359** 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, Garrison, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Bingman, Ford, Halligan, Jolley and Newberry.--5.

The bill and emergency passed.

**HB 1359** was properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Johnson (Constance) asked unanimous consent to refer **HCR 1007** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1007** by Shelton et al of the House and Johnson (Constance) of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1007**, which was the order.

**HCR 1007** was adopted upon motion of Senator Johnson (Constance) and properly signed and ordered returned to the Honorable House.

## **GENERAL ORDER**

**HB 1008** by McNiel et al of the House and Mazzei of the Senate was called up for consideration.

Senator Adelson moved to amend **HB 1008**, 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.”

Senator Mazzei moved to table the Adelson amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Barrington, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Holt, Johnson (R), Justice, Marlatt, Mazzei, Myers, Nichols, Reynolds, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Paddack, Rice, Russell, Sparks, Wilson and Wyrick.--17.

Excused: Bingman, Ford, Halligan, Jolley and Newberry.--5.

Senator Mazzei moved to amend **HB 1008**, Page 1, by restoring the title.

Senator Adelson moved to table the Mazzei amendment, which tabling motion failed of adoption.

Senator Mazzei pressed adoption of his amendment to restore the title to **HB 1008**, which amendment was declared adopted.

The above amendment restores **HB 1008** to the engrossed version of the bill.

Senator Mazzei moved that **HB 1008** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 1008** 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, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan,

Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--41.

Nay: Adelson, Bass, Eason McIntyre, Laster, Reynolds and Wyrick.--6.

Excused: Rice.--1.

The bill passed.

**HB 1008** was properly signed and ordered returned to the Honorable House.

### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1197, 1441 and 1666**.

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

Advising passage of and returning the following Engrossed bills:

**SB 130**

**SB 160** - (emergency failed) - coauthored by Shelton

**SB 179** - (emergency failed)

**SB 187**

**SB 263**

**SB 277**

**SB 282** - coauthored by Bennett

**SB 443**

The above-numbered measures were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 862 and 865**.

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 Thursday, March 31, 2011, at 9:30 a.m., which motion prevailed.

Pursuant to the Schulz motion, the Senate adjourned at 3:15 p.m. to meet Thursday, March 31, 2011, at 9:30 a.m.