

# Senate Journal

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

**Thirty-second Legislative Day, Tuesday, April 5, 2011**

The Senate was called to order by Senator Jolley.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, 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.—47.

Excused: Brinkley.—1.

Senator Jolley declared a quorum present.

The prayer was offered by Deacon Larry Sousa, St. Joseph's Catholic Church, Norman, the guest of Senator Sparks.

### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SBs 100, 145, 253, 498 and 666** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### **EXECUTIVE NOMINATIONS**

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

Harper, Ricky Darrell, Edmond, to the Commission on Consumer Credit, to serve an unexpired term ending January 1, 2014, succeeding Joey Root. (Business and Commerce Committee) Motion to confirm made by Senator Clark Jolley.

Lopez, David R., Oklahoma City, as the Director of the Oklahoma Department of Commerce, to serve at the pleasure of the Governor, succeeding Natalie Shirley. (Business and Commerce Committee) Motion to confirm made by Senator Rob Johnson.

Lopez, David R., Oklahoma City, as the Cabinet Secretary of Commerce and Tourism, to serve at the pleasure of the Governor, succeeding Natalie Shirley. (Business and Commerce Committee) Motion to confirm made by Senator Rob Johnson.

Pettit, Alex Z., Edmond, as the Cabinet Secretary of Information Technology and Telecommunications, to serve at the pleasure of the Governor, succeeding himself. (Energy Committee) Motion to confirm made by Senator Clark Jolley.

Sherrer, Gary, Stillwater, as the Cabinet Secretary of the Environment, to serve at the pleasure of the Governor, succeeding J. D. Strong. (Energy Committee) Motion to confirm made by Senator Jim Halligan.

Shreve, Terry, Barnsdall, to the Oklahoma Used Motor Vehicle and Parts Commission, to serve an unexpired term ending June 30, 2012, succeeding Max Pedigo. (Business and Commerce Committee) Motion to confirm made by Senator Eddie Fields.

Thompson, Michael C., Edmond as the Commissioner of Public Safety, to serve at the pleasure of the Governor, succeeding Kevin Ward. (Public Safety Committee) Motion to confirm made by Senator Clark Jolley.

Thompson, Michael C., Edmond as the Cabinet Secretary of Safety and Security, to serve at the pleasure of the Governor, succeeding Kevin L. Ward. (Public Safety Committee) Motion to confirm made by Senator Clark Jolley.

Motions to confirm the above-named executive nominations were declared adopted upon roll call as follows:

Aye: Adelson, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, 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.--46.

Excused: Aldridge and Brinkley.--2.

## **EXECUTIVE NOMINATION**

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

Ming, C. Michael, Edmond, as the Cabinet Secretary of Energy, to serve at the pleasure of the Governor, succeeding Robert A. Wegener. (Energy 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, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, 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, Wilson and Wyrick.--45.

Excused: Aldridge and Brinkley.--2.

\*Not voting: Treat.--1.

\*Senator Treat asked to be shown not voting on the above executive nomination for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

#### **MOTION TO RECONSIDER VOTE**

Senator Sykes moved to reconsider the vote whereby **HB 2128** passed.

Senator Schulz moved to table the motion to reconsider whereby **HB 2128** passed, which motion was declared adopted upon roll call as follows:

Aye: Allen, Barrington, Bingman, Branan, Brecheen, Brown, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--28.

Nay: Adelson, Anderson, Ballenger, Bass, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Rice, Russell, Sparks, Wilson and Wyrick.--18.

Excused: Aldridge and Brinkley.--2.

**HB 2128** was properly signed and ordered returned to the Honorable House.

#### **MOTION TO RECONSIDER VOTE**

Senator Ford moved to reconsider the vote whereby **HB 1380** passed and the emergency failed.

Senator Schulz moved to table the motion to reconsider whereby **HB 1380** passed and the emergency failed.

**HB 1380** was properly signed and ordered returned to the Honorable House.

**Senator Marlatt presiding.**

### **GENERAL ORDER**

**HB 1992** by Sullivan of the House and Crain of the Senate was called up for consideration.

Senator Crain asked **HB 1992** be laid over this legislative day, which was the order.

**HB 1992** remains on General Order.

### **GENERAL ORDER**

**HB 1249** by Rousselot and Hickman of the House and David of the Senate was called up for consideration.

Senators Schulz, Fields and Sparks asked to coauthor **HB 1249**, which was the order.

Senator David moved that **HB 1249** be advanced, which motion was declared adopted.

Senator Lerblance raised a point of order that pursuant to Senate Rule 12-5 that consideration of amendments was an order of priority over the advancement of a measure.

The Chair ruled that pursuant to Senate Rule 13-1 that a motion to advance a measure was held as a priority over a motion to amend.

### **THIRD READING**

**HB 1249** was read for the third time at length.

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

Aye: Anderson, Barrington, Bingman, Branan, Brecheen, Brown, Burrage, Crain, David, Eason McIntyre, Fields, Ford, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--33.

Nay: Adelson, Allen, Ballenger, Bass, Coates, Ellis, Garrison, Laster, Lerblance, Paddack, Reynolds, Wilson and Wyrick.--13.

Excused: Aldridge and Brinkley.--2.

The bill passed.

**HB 1249** was properly signed and ordered returned to the Honorable House.

## **GENERAL ORDER**

**HB 1888** by Peterson et al of the House and Jolley et al of the Senate was called up for consideration.

Senators David, Brecheen, Ford, Allen, Shortey, Treat, Brown, Fields, Justice, Schulz, Barrington, Simpson, Garrison, Myers, Russell, Johnson (Rob), Halligan, Sykes, Marlatt and Representative Sullivan asked to coauthor **HB 1888**, which was the order.

Senator Jolley moved that **HB 1888** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Allen, Barrington, Branan, Brecheen, Brown, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--25.

Nay: Adelson, Anderson, Ballenger, Bass, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Paddack, Reynolds, Rice, Russell, Sparks, Wilson and Wyrick.--20.

Excused: Aldridge, Bingman and Brinkley.--3.

## **THIRD READING**

**HB 1888** was read for the third time at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brown, Burrage, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes, Treat and Wyrick.--38.

Nay: Adelson, Ballenger, Coates, Eason McIntyre, Johnson (C), Rice, Sparks and Wilson.--8.

Excused: Aldridge and Brinkley.--2.

The bill passed.

**HB 1888** was referred for engrossment.

**GENERAL ORDER**

**HB 1194** by McDaniel (Jeannie) of the House and Anderson of the Senate was called up for consideration.

Senator Anderson moved that **HB 1194** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1194** 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, Bass, Branan, Brecheen, Brown, Burrage, 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.--44.

Excused: Aldridge, Bingman, Brinkley and Coates.--4.

The bill passed.

**HB 1194** was properly signed and ordered returned to the Honorable House.

**EXECUTIVE NOMINATION**

The following executive nomination was read and referred to committee as indicated:

Bennett, Clayton I., Oklahoma City, as a member of the Board of Regents of the University of Oklahoma - Education

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1377, 2017 and 2128**.

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 bill:

**SB 162**

The above-numbered measure was referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 100, 145, 253, 498 and 666.**

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 bills as amended:

**SB 10**

**SB 214**

**SB 445** (emergency failed) – coauthored by Cooksey

House amendments were read on the above-numbered bills.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 6, 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 1007** – Retirement and Insurance

Ayes: Aldridge, Brecheen, Brown, Mazzei, Stanislowski, Treat

Nays: Bass, Crain, Rice, Sparks, Wilson

**HB 1027** – Retirement and Insurance

Ayes: Aldridge, Bass, Brown, Crain, Rice, Sparks, Stanislowski, Wilson

**HB 1075** – Business and Commerce

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

**HB 1229** – Public Safety, coauthored by Dorman of the House

Ayes: Ballenger, Barrington, Garrison, Johnson (Constance), Justice, Reynolds, Shortey

**HB 1269** – Education

Ayes: Brecheen, David, Ford, Garrison, Halligan, Holt, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

**HB 1274** – Education, coauthored by Walker of the House

Ayes: Brecheen, David, Ford, Halligan, Holt, Jolley, Nichols, Reynolds, Sparks, Stanislawski

Nays: Garrison, Lerblance, Paddack

**HB 1361** – Judiciary

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

Nays: Laster

**HB 1372** – Education

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

**HB 1421** – Education

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

**HB 1465** – Education

Ayes: Brecheen, David, Eason McIntyre, Ford, Garrison, Halligan, Holt, Jolley, Lerblance, Stanislawski

**HB 1688** – Business and Commerce

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

**HB 1854** – Education

Ayes: Brecheen, David, Eason McIntyre, Ford, Garrison, Halligan, Holt, Jolley, Lerblance, Stanislawski

**HB 1969** – Retirement and Insurance

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

**HB 2032** – Retirement and Insurance

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

Nays: Aldridge, Stanislawski

DO PASS, As Amended:

**HB 1002** – Retirement and Insurance

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

**CS for HB 1010** – Retirement and Insurance

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

**CS for HB 1227** – Education, coauthored by Hardin, Roberts (Dustin), Farley of the House, and coauthored by Brecheen of the Senate

Ayes: Branan, Brecheen, David, Ford, Halligan, Holt, Jolley, Nichols, Reynolds, Stanislawski

Nays: Garrison, Lerblance, Paddack, Sparks

**HB 1255** – Public Safety

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

**HB 1373** – Education

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

**HB 1418** – Education, coauthored by Walker of the House

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

**CS for HB 1456** – Education, coauthored by David, Brecheen, Holt of the Senate

Ayes: Branan, Brecheen, David, Ford, Halligan, Holt, Jolley, Nichols, Stanislawski  
Nays: Eason McIntyre, Garrison, Lerblance, Paddack

**CS for HB 1461** – Public Safety, coauthored by Pittman of the House, and coauthored by Johnson (Constance) of the Senate

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

**CS for HB 1550** – Education, coauthored by Holt, David of the Senate

Ayes: Brecheen, David, Ford, Halligan, Holt, Jolley, Stanislawski  
Nays: Eason McIntyre, Garrison, Lerblance, Paddack

**CS for HB 1648** – Retirement and Insurance, coauthored by Faught, Hoskin of the House

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

**HB 1743** – Business and Commerce

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

**HB 1831** – Business and Commerce

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

**CS for HB 2132** – Retirement and Insurance, coauthored by McDaniel (Randy) of the House and coauthored by Mazzei of the Senate

Ayes: Aldridge, Brecheen, Brown, Crain, Mazzei, Stanislawski, Treat

Nays: Bass, Rice, Sparks, Wilson

FAILED:

**HB 1350** – Judiciary

#### **MESSAGE FROM THE GOVERNOR**

Advising her approval April 5, 2011, of Enrolled **SBs 862** and **865**.

Pursuant to the Schulz motion, the Senate adjourned at 3:55 p.m. to meet Wednesday, April 6, 2011, at 1:30 p.m.