

Senate Journal

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

Thirty-fourth Legislative Day, Thursday, April 7, 2011

The Senate was called to order by Senator David.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, 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.—46.

Excused: Ballenger and Laster.—2.

Senator David declared a quorum present.

The prayer was offered by Reverend Richard House, McFarlin Memorial United Methodist Church, Norman, the guest of Senator Sparks.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1285, 1954 and 2117 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 92, 117, 657 and 921 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 11 and 12 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

GENERAL ORDER

HB 1511 by Vaughan et al of the House and Simpson of the Senate was called up for consideration.

Senators Allen, Sykes, Brinkley, Shortey, Treat, Russell, Schulz, Branan, Paddock and Garrison asked to coauthor **HB 1511**, which was the order.

Senator Simpson moved that **HB 1511** be advanced, which motion was declared adopted.

THIRD READING

HB 1511 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, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddock, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--42.

Nay: Eason McIntyre, Johnson (C) and Wilson.--3.

Excused: Adelson, Ballenger and Laster.--3.

The bill and emergency passed.

HB 1511 was properly signed and ordered returned to the Honorable House.

FIRST READING

The following was introduced and read the first time:

SR 14 – By Johnson (Constance).

A Resolution congratulating the Frederick A. Douglass High School Boys Basketball team on its Class 4A state championship; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Johnson (Constance) asked unanimous consent to refer **SR 14** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 14 by Johnson (Constance) was called up for consideration.

All other members of the Senate asked to coauthor **SR 14**, which was the order.

SR 14 was adopted upon motion of Senator Johnson (Constance) and referred for enrollment.

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

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

SB 347 - (emergency failed), coauthored by Nelson and Tibbs

SB 435 - (emergency failed), coauthored by Nelson and Wright

SB 701

House amendments were read on the above-numbered bills.

Senator Marlatt presiding.

GENERAL ORDER

HB 1615 by Banz of the House and Sykes of the Senate was called up for consideration.

Senators Allen, Russell and Marlatt asked to coauthor **HB 1615**, which was the order.

Senator Sykes moved to amend **HB 1615**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Sykes moved to amend the floor substitute to **HB 1615**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Sykes moved that **HB 1615** be advanced, which motion was declared adopted.

THIRD READING

HB 1615 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, 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.--45.

Excused: Adelson, Ballenger and Laster.--3.

The bill passed.

HB 1615 was referred for engrossment.

GENERAL ORDER

HB 1296 by Derby et al of the House and Sykes of the Senate was called up for consideration.

Senator Garrison asked to coauthor **HB 1296**, which was the order.

Senator Sykes moved that **HB 1296** be advanced, which motion was declared adopted.

THIRD READING

HB 1296 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, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, 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.--42.

Nay: Bingman.--1.

Excused: Adelson, Ballenger, Coates, Holt and Laster.--5.

The bill passed.

HB 1296 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1044 by Faught et al of the House and Sykes et al of the Senate was called up for consideration.

Senators Shortey and Garrison asked to coauthor **HB 1044**, which was the order.

Senator Sykes moved that **HB 1044** be advanced, which motion was declared adopted.

THIRD READING

HB 1044 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, 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.--45.

Excused: Adelson, Ballenger and Laster.--3.

The bill passed.

HB 1044 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1520 by Nollan et al of the House and Brown of the Senate was called up for consideration.

Senator Johnson (Constance) asked to coauthor **HB 1520**, which was the order.

Senator Brown moved to amend **HB 1520**, Page 3, Line 18, by inserting after the word “by” and before the first word “the”, the words “no later than the business day preceding”; and Page 3, Line 23, by deleting after the word “the” and before the word “unless”, the word “charge” and inserting the word “fine”, and by amending the title to conform, which amendment was declared adopted.

Senator Sykes moved to amend **HB 1520**, Page 4, Line 6 ½, by inserting a new subsection E to read as follows:

“E. For purposes of this section, “court” means any court in this state.”, and by amending the title to conform, which amendment was declared adopted.

Senator Brown moved that **HB 1520** be advanced, which motion was declared adopted.

THIRD READING

HB 1520 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, Barrington, 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 and Wyrick.--44.

Nay: Bass and Wilson.--2.

Excused: Ballenger and Laster.--2.

The bill passed.

HB 1520 was referred for engrossment.

GENERAL ORDER

HB 1812 by Morgan of the House and Stanislawski of the Senate was called up for consideration.

Representative Morgan (Danny) asked to be removed and Representative Shannon asked to be named principal House author.

Senator Stanislawski moved that **HB 1812** be advanced, which motion was declared adopted.

THIRD READING

HB 1812 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, 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.--46.

Excused: Ballenger and Laster.--2.

The bill passed.

HB 1812 was properly signed and ordered returned to the Honorable House.

Senator David presiding.

GENERAL ORDER

HB 1917 by Coody and Cannaday of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski moved to amend **HB 1917**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Stanislawski moved that **HB 1917** be advanced, which motion was declared adopted.

THIRD READING

HB 1917 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, 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, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Ballenger, Laster, Mazzei and Nichols.--4.

The bill and emergency passed.

HB 1917 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1015, 1016, 1017, 1018, 1019, 1026, 1323, 1374, 1564, 1606, 1669, 1685 and 1909.**

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

Advising fourth reading of and returning Enrolled **SBs 92, 117, 657 and 921.**

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 Monday, April 11, 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 1314 – Tourism and Wildlife

Ayes: Anderson, Brown, Coates, Ellis, Fields, Justice, Myers

Nays: Wyrick

HB 1339 – Tourism and Wildlife

Ayes: Anderson, Bass, Brown, Coates, Ellis, Fields, Garrison, Justice, Myers, Wyrick

HB 1348 – Tourism and Wildlife

Ayes: Anderson, Brown, Coates, Ellis, Fields, Justice, Myers, Wyrick

HB 1474 – Tourism and Wildlife

Ayes: Anderson, Brown, Coates, Ellis, Fields, Justice, Myers, Wyrick

HB 1664 – Rules

Ayes: Anderson, Branan, Brecheen, Fields, Ford, Johnson (Rob), Mazzei, Newberry, Nichols, Sykes

DO PASS, As Amended:

HB 1035 – Appropriations

Ayes: Brinkley, Burrage, Crain, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Rice, Stanislawski, Sykes, Wilson, Wyrick

HB 1202 – Finance

Ayes: Adelson, Aldridge, Ballenger, David, Ford, Halligan, Ivester, Mazzei, Reynolds, Russell, Simpson, Sparks, Treat, Wilson

HB 1207 – Appropriations, coauthored by Cooksey of the House

Ayes: Brinkley, Burrage, Crain, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Rice, Stanislawski, Sykes, Wilson, Wyrick

HB 1223 – Appropriations

Ayes: Brinkley, Ford, Jolley, Justice, Myers, Newberry, Stanislawski, Sykes
Nays: Crain, Halligan, Ivester, Marlatt, Nichols, Rice, Wilson

HB 1275 – Appropriations

Ayes: Branan, Brinkley, Burrage, Crain, Ford, Halligan, Ivester, Jolley, Marlatt, Myers, Newberry, Stanislawski, Sykes, Wilson, Wyrick

CS for HB 1282 – Health and Human Services, coauthored by Moore of the House

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

HB 1304 – Appropriations

Ayes: Branan, Brinkley, Crain, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Stanislawski, Sykes
Nays: Wilson, Wyrick

HB 1338 – Tourism and Wildlife

Ayes: Bass, Brown, Coates, Ellis, Garrison, Justice, Wyrick
Nays: Anderson, Fields, Myers

CS for HB 1347 – Tourism and Wildlife

Ayes: Anderson, Brown, Coates, Ellis, Fields, Justice, Myers, Wyrick

CS for HB 1362 – Finance

Ayes: Adelson, Aldridge, Ballenger, David, Ford, Halligan, Ivester, Mazzei, Reynolds, Russell, Simpson, Sparks, Treat, Wilson

HB 1388 – Appropriations

Ayes: Branan, Brinkley, Burrage, Crain, Ford, Halligan, Ivester, Justice, Marlatt, Myers, Newberry, Rice, Stanislawski, Sykes, Wilson

HB 1397 – Appropriations

Ayes: Branan, Brinkley, Burrage, Ford, Halligan, Ivester, Jolley, Marlatt, Myers, Newberry, Paddack, Rice, Stanislawski, Sykes, Wilson, Wyrick

HB 1398 – Appropriations

Ayes: Branan, Brinkley, Crain, Ford, Halligan, Justice, Myers, Nichols, Stanislawski, Wilson
Nays: Sykes

HB 1414 – Appropriations

Ayes: Branan, Brinkley, Burrage, Ford, Halligan, Jolley, Justice, Myers, Newberry, Nichols, Paddack, Rice, Stanislawski, Wilson, Wyrick
Nays: Ivester, Sykes

HB 1415 – Appropriations, coauthored by Ivester of the Senate

Ayes: Branan, Brinkley, Burrage, Crain, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Rice, Stanislawski, Sykes, Wilson, Wyrick

HB 1438 – Appropriations

Ayes: Branan, Brinkley, Burrage, Halligan, Ivester, Jolley, Myers, Newberry, Rice, Stanislawski, Sykes, Wilson, Wyrick

HB 1488 – Finance, coauthored by Sparks of the Senate

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

HB 1489 – Appropriations, coauthored by Ivester of the Senate

Ayes: Branan, Brinkley, Burrage, Crain, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Rice, Stanislawski, Sykes, Wilson, Wyrick

HB 1494 – Appropriations

Ayes: Brinkley, Burrage, Crain, Ford, Halligan, Ivester, Justice, Marlatt, Myers, Newberry, Rice, Stanislawski, Sykes, Wilson

HB 1512 – Appropriations

Ayes: Branan, Brinkley, Burrage, Ford, Halligan, Ivester, Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Rice, Stanislawski, Sykes, Wilson, Wyrick
Nays: Crain

HB 1601 – Appropriations, coauthored by Ivester of the Senate

Ayes: Branan, Brinkley, Burrage, Halligan, Ivester, Jolley, Justice, Myers, Newberry, Rice, Stanislawski, Sykes, Wyrick

HB 1652 – Rules

Ayes: Anderson, Branan, Brecheen, Fields, Ford, Johnson (Rob), Jolley, Mazzei, Newberry, Nichols, Sykes

HB 1655 – Appropriations, coauthored by Shelton, Walker of the House

Ayes: Branan, Brinkley, Burrage, Halligan, Ivester, Jolley, Justice, Myers, Newberry, Rice, Stanislawski, Sykes, Wilson, Wyrick

HB 1676 – Appropriations, coauthored by Ivester of the Senate

Ayes: Branan, Brinkley, Burrage, Ford, Halligan, Ivester, Jolley, Marlatt, Myers, Newberry, Nichols, Paddock, Rice, Stanislawski, Sykes, Wyrick

HB 1815 – Finance

Ayes: Adelson, Aldridge, David, Ford, Halligan, Ivester, Mazzei, Reynolds, Russell, Simpson, Sparks, Treat, Wilson

HB 1852 – Finance, coauthored by Walker of the House

Ayes: Adelson, Aldridge, Ballenger, David, Ford, Halligan, Ivester, Mazzei, Reynolds, Russell, Simpson, Sparks, Treat, Wilson

HB 1903 – Finance

Ayes: Adelson, Aldridge, Ballenger, David, Ford, Halligan, Ivester, Mazzei, Reynolds, Russell, Simpson, Sparks, Treat, Wilson

HB 1953 – Finance

Ayes: Adelson, Aldridge, Ballenger, David, Ford, Halligan, Ivester, Mazzei, Simpson, Sparks

Nays: Reynolds, Russell, Treat, Wilson

HB 1970 – Health and Human Services, coauthored by Cooksey of the House

Ayes: Crain, Johnson (Rob), Newberry

Nays: Johnson (Constance), Wilson

HB 1979 – Tourism and Wildlife, coauthored by Lockhart of the House

Ayes: Anderson, Bass, Brown, Coates, Ellis, Fields, Garrison, Justice, Myers, Wyrick

HB 1998 – Finance

Ayes: Adelson, Aldridge, Ballenger, David, Ford, Halligan, Ivester, Mazzei, Reynolds, Russell, Simpson, Sparks, Treat, Wilson

HB 2131 – Appropriations, coauthored by Hilliard, Ownbey, Sullivan, Walker of the House

Ayes: Brinkley, Crain, Ford, Halligan, Justice, Myers, Newberry, Nichols, Stanislawski, Wilson

Nays: Branan, Sykes

HB 2136 – Health and Human Services, coauthored by Brumbaugh of the House
Ayes: Crain, Johnson (Constance), Newberry, Wilson
Nays: Johnson (Rob)

FAILED:

HB 1996 – Retirement and Insurance

HB 2080 – Retirement and Insurance

MESSAGE FROM THE GOVERNOR

Advising her approval April 7, 2011, of Enrolled **SBs 59, 287, 648** and **856**.

Pursuant to the Schulz motion, the Senate adjourned at 11:10 a.m. to meet Monday, April 11, 2011, at 1:30 p.m.