

# Senate Journal

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

Forty-third Legislative Day, Tuesday, April 26, 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, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—47.

Excused: Paddack.—1.

Senator Ford declared a quorum present.

The prayer was offered by Reverend Mark Barnett, Wickline United Methodist Church of the Vine, Midwest City, the guest of Senator Aldridge.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1027, 1079, 1381, 1418, 1465, 1475, 1550, 1655, 1676, 1750, 1979, 1995, 2023** and **2156** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 38, 45, 241, 270, 304, 417, 499, 587, 664, 789** and **885** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 15** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**GENERAL ORDER**

**HB 1059** by Murphey and Ritze of the House and Schulz of the Senate was called up for consideration.

Senator Fields asked to coauthor **HB 1059**, which was the order.

Senator Schulz moved that **HB 1059** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1059** 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, Crain, David, 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 and Wilson.--42.

Excused: Adelson, Laster, Mazzei, Paddack, Reynolds and Wyrick.--6.

The bill and emergency passed.

**HB 1059** was properly signed and ordered returned to the Honorable House.

**PENDING CONSIDERATION OF HAS**

**HAs to SBs 110, 673 and 854** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

**GENERAL ORDER**

**HB 1225** by Ownbey and Dorman of the House and Simpson of the Senate was called up for consideration.

Senator Ivester moved to amend **HB 1225**, Page 5, Line 4 ½, by inserting a new SECTION 2 to read as follows:

“SECTION 2. AMENDATORY 68 O.S. 2001, Section 118, as last amended by Section 4, Chapter 378, O.S.L. 2008 (68 O.S. Supp. 2010, Section 118), is amended to read as follows:

A. Upon receipt of a written request from a member or employee of the Legislature, the Oklahoma Tax Commission shall provide:

1. A written estimate of the revenue gain or loss to the state as a result of an actual or proposed change to a state tax law; and
2. A written statement of the Tax Commission's recommendation to the State Board of Equalization as to the change in the amount certified as available for appropriation by the Legislature as a result of an actual or proposed change to a state tax law.

The Tax Commission shall provide such estimate and statement within two (2) weeks of the date the request was received unless the member or employee of the Legislature specifies an earlier date. If the Tax Commission determines that it is unable to provide such estimate and statement within the time period required by this section, it shall provide a written explanation and date by which the estimate and statement will be provided to the member or employee.

B. If the Tax Commission determines that a proposed change to a state tax law will result in a revenue loss to the state, the principal authors of the proposed change shall prepare or cause to be prepared a statement outlining all sources of funding which will be used to offset such revenue loss. The statement shall be published on the website of the Legislature.

C. On or after December 31, 2009, and subject to the availability of funds, the Tax Commission shall develop the estimates and statements required by subsection A of this section utilizing a dynamic revenue estimating model. Such model shall take into consideration changes in economic activity as a result of the proposed legislation and consequent revenue gains or losses due to factors such as taxpayer behavior, employment and business investment. The Tax Commission may, subject to the laws of this state relating to confidentiality of information, contract with institutions of higher education in this state or other entities to perform its duties as set forth in this subsection. The Tax Commission is authorized to promulgate rules to carry out the implementation of this section.

~~E. D.~~ For the purpose of providing an annual forecast of gross production tax revenues from the production of natural and casinghead gas to the Office of State Finance, the Tax Commission shall subscribe to appropriate reference materials which provide economic outlook of future gas prices that have most closely followed the historical trend of Oklahoma gas prices. To determine the average differential between the published forecasted prices and Oklahoma gas prices, the Tax Commission shall compare prices in at least twenty-four (24) of the immediate thirty-six (36) previous months of production. The Tax Commission shall utilize the procedures provided herein to forecast the collection of gross production tax revenues from the production of natural and casinghead gas for the fiscal year beginning July 1, 2005, and each fiscal year thereafter.” and by renumbering subsequent section and amending the title to conform.

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

Aye: Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Halligan, Johnson (R), Jolley, Marlatt, Myers, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--27.

Nay: Ballenger, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Rice, Sparks, Wilson and Wyrick.--14.

Excused: Adelson, Aldridge, Holt, Justice, Mazzei, Paddack and Reynolds.--7.

Senator Johnson (Rob) moved to amend **HB 1225**, Page 5, Line 4 ½, by inserting new Sections 2 through 6 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-103.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. Beginning with the 2012 election cycle, elections for the office of county sheriff shall be conducted on a nonpartisan basis. Candidates for county sheriff shall file a declaration of candidacy with the secretary of the county election board as provided in Section 5-103 of Title 26 of the Oklahoma Statutes but shall not declare a party affiliation.

B. If more than two candidates qualify to have their names appear on the ballot for the office of county sheriff as provided by law, the names of all such candidates shall appear on the Primary Election ballot. If no single candidate receives more than fifty percent (50%) of the votes cast at the Primary Election, the names of the two candidates receiving the highest number of votes at the Primary Election shall appear on the General Election ballot.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 1-105, as amended by Section 1, Chapter 221, O.S.L. 2009 (26 O.S. Supp. 2010, Section 1-105), is amended to read as follows:

Section 1-105. A. In the event of the death of a political party's nominee for office prior to the date of the General Election, a substitute candidate will be permitted to have his or her name placed on the General Election ballot as follows:

1. If the nominee was a candidate for county office other than the office of county sheriff, the political party's central committee of ~~said~~ the county shall notify the secretary of the county election board of the name of an alternative candidate to be placed on the General Election ballot. Such notice shall be submitted in writing, within fifteen (15) days after ~~said~~ the death has occurred, but not later than fifty-five (55) days prior to the General Election, and shall be signed by at least two duly authorized members of the political party's county central committee;

2. If the nominee was a candidate who filed a Declaration of Candidacy with the State Election Board, the state central committee of the party affected shall notify the Secretary of the State Election Board of the name of an alternative candidate to be placed on the General Election ballot. Such notice shall be submitted in writing, within fifteen (15) days after ~~said~~ the death has occurred, but not later than sixty (60) days prior to the General Election for statewide and federal offices and not later than fifty-five (55) days prior to the General Election for other offices, and shall be signed by at least two duly authorized members of the political party's state central committee; and

3. If ~~said~~ the death should occur five (5) days or more following the Runoff Primary Election date, a special General Election shall be called by the Governor and shall be conducted according to the laws governing such elections, Section 12-101 et seq. of this title, except that there shall be no filing period or special Primary Election and the candidates in the special General Election shall be the substitute candidate named by the

central committee and the nominee of other political parties elected in the Primary or Runoff Primary, and any previously filed independent candidates.

B. In the event of the death of a candidate who was unopposed for election, a Special Election shall be called by the Governor. ~~Said~~ The Special Election shall be conducted according to the laws governing such elections, Section 12-101 et seq. of this title.

C. 1. In the event of the death of a candidate for the office of county sheriff whose name would otherwise be on the Primary Election ballot and the death occurs before ballot printing has begun for the election, the name of the deceased candidate shall not be printed on the ballot. If ballot printing has begun, votes for the deceased candidate shall not be certified by the county election board. If the death of a candidate leaves only two surviving candidates, their names shall not appear on the Primary Election ballot, or if ballot printing has begun, votes shall not be certified by the county election board in the race, and the two names shall appear on the ballot for the General Election.

2. In the event of the death of a candidate for the office of county sheriff whose name would otherwise be on the General Election ballot and the death occurs before ballot printing has begun for the election, the name of neither candidate shall be printed on the ballot and the Governor shall call a special election to fill the office. In the call for the election, the Governor shall prescribe a filing period, to be held as nearly as practicable as the regular filing period, followed in no less than forty-five (45) days by a Special Primary Election which shall be followed in no less than forty-five (45) days by a Special General Election. The Primary and General Elections shall be held in the same manner as regular Primary and General Elections. If the death of the candidate occurs after ballot printing has begun for the election, votes shall not be certified by the county election board in the race and the Governor shall call a special election as specified in this paragraph.

SECTION 4. AMENDATORY 26 O.S. 2001, Section 5-105, as amended by Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2010, Section 5-105), is amended to read as follows:

Section 5-105. A. To file as a candidate for nomination by a political party to any state or county office other than the office of county sheriff, a person must have been a registered voter of that party for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. ~~Except, however, to file as a candidate for nomination by a political party to any state or county office in 2004, a person must have been a registered voter of that party no later than December 21, 2003.~~ Provided, this requirement shall not apply to a candidate for the nomination of a political party which attains recognition less than six (6) months preceding the first day of the filing period required by law. However, the candidate shall be required to have registered with the newly recognized party within fifteen (15) days after such party recognition.

B. To file as an independent candidate for any state or county office other than the office of county sheriff, a person must have been registered to vote as an independent for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. ~~Except, however, to file as an independent candidate for any state or county office in 2004, a person must have been registered to vote as an independent no later than December 21, 2003.~~

SECTION 5. AMENDATORY 26 O.S. 2001, Section 5-111, is amended to read as follows:

Section 5-111. Forms to be used for filing Declarations of Candidacy shall be prescribed by the Secretary of the State Election Board and shall contain the following information: name of the candidate; the candidate's place of residence and ~~his~~ mailing address; name of the office sought; the candidate's date of birth; party affiliation of candidate seeking political party nomination for state offices; precinct and county wherein the candidate is a registered voter; an oath wherein the candidate swears or affirms that he or she is qualified to become a candidate for the office ~~which he is seeking~~ sought, and that, if elected, he or she will be qualified to hold ~~said~~ the office; and any additional information which the Secretary deems necessary. A Declaration of Candidacy form must be signed by the candidate, and the signature must be properly notarized by a notary public or other person authorized by law to administer oaths.

SECTION 6. AMENDATORY 19 O.S. 2001, Section 510, as last amended by Section 5, Chapter 53, O.S.L. 2004 (19 O.S. Supp. 2010, Section 510), is amended to read as follows:

Section 510. Any person, otherwise qualified, who has been a resident of the State of Oklahoma for two (2) years, has been a registered voter ~~of the party whose nomination he or she seeks, or a registered Independent,~~ within the county from which such person seeks election for the six (6) months next preceding the first day of the filing period, ~~except in 2004, when such person must have been a qualified registered elector no later than December 21, 2003,~~ is at least twenty-five (25) years of age next preceding the date of filing for office, and possesses at least a high school education, shall be eligible to hold the office of county sheriff or to file therefor. Provided, however, in counties with populations of five hundred thousand (500,000) or more, the person seeking election shall also be a current certified peace officer in good standing. Within twelve (12) months of taking office, all newly elected or appointed sheriffs shall complete a sheriff's administrative school which has been developed by the Oklahoma Sheriff's Association and which has been approved by the Council on Law Enforcement Education and Training (CLEET). Failure to complete the sheriff's administrative school within the specified period shall preclude the new sheriff from obtaining CLEET certification. New sheriffs with prior CLEET certification, who fail to attend the sheriff's administrative school, shall have their CLEET certification revoked. Provided, however, the provisions of this section relating to qualifications shall not apply to any person serving as a county sheriff or to any person previously serving as county sheriff prior to the adoption of this statute." and by renumbering subsequent section and by amending the title to conform.

Senator Russell moved to table the Johnson (Rob) amendment, which tabling motion failed of adoption upon roll call as follows:

Aye: Anderson, Brinkley, Crain, David, Fields, Ford, Justice, Marlatt, Myers, Russell, Schulz, Shortey, Stanislawski, Sykes and Treat.--15.

Nay: Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brown, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Laster, Lerblance, Newberry, Nichols, Rice, Simpson, Sparks, Wilson and Wyrick.--27.

Excused: Adelson, Aldridge, Holt, Mazzei, Paddack and Reynolds.--6.

Senator Johnson (Rob) pressed adoption of his amendment, which amendment was declared adopted upon roll call as follows:

Aye: Adelson, Allen, Ballenger, Barrington, Bass, Branan, Brecheen, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Laster, Lerblance, Rice, Simpson, Sparks, Wilson and Wyrick.--24.

Nay: Anderson, Bingman, Brinkley, Brown, Crain, David, Fields, Ford, Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Russell, Schulz, Shortey, Stanislawski, Sykes and Treat.--21.

Excused: Aldridge, Paddack and Reynolds.--3.

Senator Johnson (Rob) moved to amend **HB 1225**, Page 1, by restoring the title.

Senator Jolley moved to table the Johnson (Rob) amendment to restore the title, which tabling motion was declared adopted.

Senator Simpson moved that **HB 1225** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1225** was read for the third time at length.

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

Aye: Adelson, Allen, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Rice, Schulz, Simpson, Sparks, Wilson and Wyrick.--27.

Nay: Anderson, Brown, Crain, David, Fields, Ford, Jolley, Marlatt, Mazzei, Myers, Newberry, Nichols, Russell, Shortey, Stanislawski, Sykes and Treat.--17.

Excused: Aldridge, Bingman, Paddack and Reynolds.--4.

The bill passed.

Pursuant to Rule 12-21, Senator Simpson served notice that the vote be reconsidered whereby **HB 1225** passed.

**MESSAGES FROM THE HOUSE**

Advising rejection of **SAs** to the following bill, requesting conference and naming House conferees as follows:

**HB 2115** - GCCA

Advising passage of and returning the following Engrossed bills:

**SB 235**

**SB 742** - (emergency failed), coauthored by Dorman

**SB 923** - coauthored by Ritze

**SJR 24:**

The above-numbered measures were referred for enrollment.

Advising rejection of **SAs** to the following bills, requesting conference and naming House conferees as follows:

**HB 1473** - Conference Committee on Natural Resources

**HB 1918** - Conference Committee on Education

**GENERAL ORDER**

**HB 1035** by Murphey and Cockroft of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved to amend **HB 1035**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1035** to the engrossed version of the bill.

Senator Jolley moved that **HB 1035** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1035** 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, 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, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Aldridge, Bingman, Paddack and Reynolds.--4.

The bill passed.

**HB 1035** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1086** by Murphey et al of the House and Jolley of the Senate was called up for consideration.

Senator Jolley asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1086**.

Senator Jolley moved to amend **HB 1086**, 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 Jolley moved that **HB 1086** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1086** 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, 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, Mazzei, Myers, Newberry, Nichols, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--43.

Nay: Wyrick.--1.

Excused: Aldridge, Bingman, Paddack and Reynolds.--4.

The bill and emergency passed.

**HB 1086** was referred for engrossment.

**GENERAL ORDER**

**HB 1304** by Derby of the House and Jolley and Brinkley of the Senate was called up for consideration.

Senator Jolley moved that **HB 1304** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1304** 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, Bingman, Branan, Brecheen, Brinkley, Brown, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Marlatt, Mazzei, Myers, Newberry, Nichols, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--27.

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

Excused: Aldridge, Paddock and Reynolds.--3.

The bill passed.

**HB 1304** was referred for engrossment.

**GENERAL ORDER**

**HB 1601** by Stiles of the House and Jolley and Ivester of the Senate was called up for consideration.

Senator Jolley moved that **HB 1601** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1601** 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, Allen, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--41.

Nay: Ballenger, Coates, Johnson (C) and Wyrick.--4.

Excused: Aldridge, Paddack and Reynolds.--3.

The bill and emergency passed.

**HB 1601** was referred for engrossment.

## **GENERAL ORDER**

**HB 1481** by Armes and Roan of the House and Marlatt of the Senate was called up for consideration.

Senator Marlatt moved that **HB 1481** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 1481** 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, 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, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Aldridge, Bingman, Mazzei, Paddack and Reynolds.--5.

The bill passed.

**HB 1481** was properly signed and ordered returned to the Honorable House.

## **EXECUTIVE NOMINATIONS**

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

Bennett, Clayton I., Oklahoma City, to the Board of Regents of the University of Oklahoma, to serve a seven year term ending March 21, 2018, succeeding Larry Wade. (Education Committee) Motion to confirm made by Senator Cliff Branan.

Cline, Terry L., Oklahoma City, as the Cabinet Secretary of Health and Human Services, to serve at the pleasure of the Governor, succeeding White/Hendrick. (Health and Human Services Committee) Motion to confirm made by Senator Constance N. Johnson.

Davis, Ricky J., Guthrie, to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, to serve an unexpired term ending April 4, 2016, succeeding Fred Boettcher. (Education Committee) Motion to confirm made by Senator Patrick Anderson.

Elliott, Kathy, Stillwater, to the Student Loan Authority, to serve an unexpired term ending April 6, 2013, succeeding Sterling Wetzal. (Education Committee) Motion to confirm made by Senator Jim Halligan.

Ewing, Robyn, Tulsa, to the Board of Trustees for Oklahoma State University/Tulsa, to serve an unexpired term ending June 30, 2013, succeeding Michael P. Johnson. (Education Committee) Motion to confirm made by Senator Gary Stanislawski.

Ford, Charles R., Tulsa, to the Board of Trustees for Oklahoma State University - Tulsa, to serve an unexpired term ending June 30, 2016, succeeding Betty Boyd. (Education Committee) Motion to confirm made by Senator Gary Stanislawski.

Grant, Risha, Tulsa, to the Board of Trustees for Langston University-Oklahoma City and Langston University/Tulsa, to serve an unexpired term ending June 30, 2014, succeeding Sandra Massey. (Education Committee) Motion to confirm made by Senator Judy Eason McIntyre.

Hall, Joe D., Elk City, to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, to serve an eight year term ending April 12, 2019, succeeding himself. (Education Committee) Motion to confirm made by Senator Tom Ivester.

Keller, Edward F., Tulsa, to the Board of Trustees for Oklahoma State University/Tulsa, to serve a seven year term ending June 30, 2018, succeeding himself. (Education Committee) Motion to confirm made by Senator Gary Stanislawski.

Richardson, Jean, Oklahoma City, to the Oklahoma Arts Council, to serve an unexpired term ending July 1, 2012, succeeding Sharon King Davis. (Education Committee) Motion to confirm made by Senator Greg Treat.

Stricklin, Toney, Lawton, to the State Regents for Higher Education, to serve a nine year term ending May 16, 2020, succeeding . (Education Committee) Motion to confirm made by Senator Randy Bass.

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

Aye: Adelson, 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, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Aldridge, Bingman, Mazzei, Paddack and Reynolds.--5.

## **PENDING CONSIDERATION OF HAS**

**HAs to SBs 169** was rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

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 Jolley presiding.

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

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

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

- SB 2** - (emergency failed), coauthored by Nelson and Tibbs
- SB 11** - coauthored by Wright, Bennett, Williams, Nelson, Dorman and Stiles
- SB 13**
- SB 19** - (emergency failed)
- SB 115** - coauthored by Walker, Tibbs and Ritze
- SB 195** - coauthored by Roan, Lockhart, Walker, Thomsen, Stiles
- SB 232** - (emergency failed), coauthored by Pittman and Vaughan
- SB 243** - (emergency failed)
- SB 260** - coauthored by Stanislawski of the Senate
- SB 286**
- SB 398** - coauthored by Bennett and Tibbs
- SB 420** - coauthored by Walker
- SB 567** - (emergency failed), coauthored by Pittman, Peterson, McDaniel (Jeannie) and Bennett
- SB 574** - coauthored by Derby, Cox, Joyner, Blackwell, Peterson and Ritze
- SB 623** - coauthored by Tibbs
- SB 731**

**SB 740** - (emergency failed)  
**SB 750** - coauthored by Kirby  
**SB 778** - (emergency failed)  
**SB 902**  
**SB 929**  
**SB 949** - coauthored by Dorman  
**SB 952** - coauthored by Roan and Tibbs

House amendments were read on the above-numbered bills.

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1415, 1554, 1614, 1715 and 2024**.

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 141**

The above-numbered measure was referred for enrollment.

#### **GENERAL ORDER**

**HB 1802** by Tibbs et al of the House and Barrington and Johnson (Constance) of the Senate was called up for consideration.

Senator Barrington asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1802**.

Senator Barrington moved to amend **HB 1802**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1802** to the engrossed version of the bill.

Senator Barrington moved that **HB 1802** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1802** was read for the third time at length.

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

Aye: Barrington, Brecheen, Brinkley, Burrage, Coates, Eason McIntyre, Fields, Ford, Halligan, Holt, Johnson (C), Johnson (R), Justice, Lerblance, Marlatt, Mazzei, Russell, Schulz, Simpson and Stanislawski.--20.

Nay: Aldridge, Allen, Anderson, Ballenger, Bass, Branan, Brown, Crain, David, Ellis, Garrison, Ivester, Jolley, Newberry, Nichols, Reynolds, Shortey, Sparks, Sykes and Treat.--20.

Excused: Adelson, Bingman, Laster, Myers, Paddock, Rice, Wilson and Wyrick.--8.

The Chair advised that Senators Laster, Rice, Wyrick and Wilson, having been present in the Chamber during the vote on **HB 1802** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 20; Nay: 24; Excused: 4.

The bill failed.

**GENERAL ORDER**

**HB 1970** by Grau et al of the House and Treat of the Senate was called up for consideration.

Senators Brecheen and Allen asked to coauthor **HB 1970**, which was the order.

Senator Treat moved that **HB 1970** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1970** 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, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Marlatt, Mazzei, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes, Treat and Wyrick.--39.

Nay: Eason McIntyre, Johnson (C), Lerblance, Rice, Sparks and Wilson.--6.

Excused: Adelson, Myers and Paddack.--3.

The bill passed.

**HB 1970** was referred for engrossment.

## **GENERAL ORDER**

**HB 2116** by Hickman of the House and Stanislawski of the Senate was called up for consideration.

Senators Fields and Garrison and Representative Blackwell asked to coauthor **HB 2116**, which was the order.

Senator Stanislawski asked unanimous consent, to suspend Senate Rule 12-4 as it pertains to **HB 2116**, to which request objection was heard.

Senator Stanislawski moved to suspend Senate Rule 12-4 as it pertains to **HB 2116**, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Garrison, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--32.

Nay: Adelson, Ballenger, Bass, Burrage, Eason McIntyre, Ellis, Ivester, Johnson (C), Laster, Lerblance, Rice, Sparks, Wilson and Wyrick.--14.

Excused: Myers and Paddack.--2.

Senator Stanislawski moved to amend **HB 2116**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Stanislawski moved that **HB 2116** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 2116** 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, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster,

Lerblance, Marlatt, Mazzei, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Bingman, Myers and Paddack.--3.

The bill and emergency passed.

**HB 2116** was referred for engrossment.

### **GENERAL ORDER**

**HB 1957** by McNiel of the House and Johnson (Rob) of the Senate was called up for consideration.

Senator Johnson (Rob) moved that **HB 1957** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1957** 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, Barrington, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Mazzei, Newberry, Nichols, Reynolds, Schulz, Simpson, Sparks, Stanislawski, Sykes and Treat.--33.

Nay: Allen, Ballenger, Bass, Eason McIntyre, Johnson (C), Laster, Rice, Russell, Shortey, Wilson and Wyrick.--11.

Excused: Bingman, Marlatt, Myers and Paddack.--4.

The bill passed.

**HB 1957** was referred for engrossment.

### **GENERAL ORDER**

**HB 1939** by Jackson and Billy of the House and Johnson (Rob) and Myers of the Senate was called up for consideration.

Senator Johnson (Rob) moved that **HB 1939** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1939** 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, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brinkley, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Laster, Lerblance, Marlatt, Newberry, Nichols, Rice, Schulz, Sparks, Treat, Wilson and Wyrick.--33.

Nay: Brecheen, Brown, David, Jolley, Reynolds, Russell, Shortey, Simpson, Stanislawski and Sykes.--10.

Excused: Aldridge, Bingman, Mazzei, Myers and Paddack.--5.

The bill and emergency passed.

**HB 1939** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1010** by McDaniel (Randy) of the House and Mazzei of the Senate was called up for consideration.

Senator Crain asked to coauthor **HB 1010**, which was the order.

Senators Mazzei and Crain moved to amend **HB 1010**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Crain moved that **HB 1010** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1010** 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, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes, Treat and Wilson.--40.

Nay: Bass, Ivester, Johnson (C), Sparks and Wyrick.--5.

Excused: Aldridge, Myers and Paddack.--3.

The bill passed.

**HB 1010** was referred for engrossment.

### **GENERAL ORDER**

**HB 1207** by Murphey et al of the House and Sykes of the Senate was called up for consideration.

Senator Sykes moved that **HB 1207** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1207** 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, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Mazzei, Myers and Paddack.--3.

The bill passed.

**HB 1207** was referred for engrossment.

### **GENERAL ORDER**

**HB 1743** by Johnson and Roan of the House and Sykes of the Senate was called up for consideration.

Senator Barrington asked to coauthor **HB 1743**, which was the order.

Senator Sykes moved that **HB 1743** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1743** 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, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ford, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Marlatt, Myers, Nichols, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--33.

Nay: Adelson, Ballenger, Bass, Eason McIntyre, Ellis, Fields, Garrison, Johnson (C), Lerblance, Newberry, Reynolds, Wilson and Wyrick.--13.

Excused: Mazzei and Paddack.--2.

The bill and emergency passed.

**HB 1743** was referred for engrossment.

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 38, 45, 241, 270, 304, 417, 499, 587, 664, 789** and **885**.

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

Advising conference granted on Engrossed **SB** and naming House conferees as follows:

**SB 435** - Conference Committee on Education

#### **GENERAL ORDER**

**HB 1903** by Jackson of the House and Marlatt of the Senate was called up for consideration.

Senator Marlatt moved that **HB 1903** be advanced, which motion was declared adopted.

#### **THIRD READING**

**HB 1903** 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, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Mazzei and Paddack.--2.

The bill passed.

**HB 1903** was referred for engrossment.

### **GENERAL ORDER**

**HB 1815** by Morgan of the House and Marlatt of the Senate was called up for consideration.

Senator Garrison asked to coauthor **HB 1815**, which was the order.

Senator Marlatt asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1815**.

Senator Marlatt moved to amend **HB 1815**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1815** to the engrossed version of the bill.

Senator Marlatt moved that **HB 1815** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1815** 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, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--47.

Excused: Paddack.--1.

The bill passed.

**HB 1815** was properly signed and ordered returned to the Honorable House.

Senator Schulz moved that the Senate recess to the call of the Chair, which motion was declared adopted.

\*

The Senate reconvened with Senator Jolley presiding.

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

### **GENERAL ORDER**

**HB 1607** by Stiles of the House and Anderson of the Senate, considered on page 904, was called up for further consideration.

Senator Anderson moved to amend **HB 1607**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Anderson moved that **HB 1607** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1607** 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, 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, Mazzei, Myers, Newberry, Nichols, Rice, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Bass, Bingman, Marlatt, Paddock, Reynolds, Russell and Shortey.--7.

The bill passed.

**HB 1607** was referred for engrossment.

**GENERAL ORDER**

**HB 1234** by Sherrer et al of the House and Burrage of the Senate was called up for consideration.

Senator Burrage moved that **HB 1234** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1234** 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, 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, Nichols, Rice, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Bass, Bingman, Newberry, Paddack, Reynolds, Russell and Shortey.--7.

The bill passed.

**HB 1234** was referred for engrossment.

**GENERAL ORDER**

**HB 1680** by Quinn of the House and Burrage of the Senate was called up for consideration.

Senator Fields asked to coauthor **HB 1680**, which was the order.

Senator Burrage moved that **HB 1680** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1680** 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, 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, Rice, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bass, Bingman, Paddack, Reynolds, Russell and Shortey.--6.

The bill passed.

**HB 1680** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1361** by Peters of the House and Johnson (Rob) of the Senate was called up for consideration.

Senator Johnson (Rob) moved to amend **HB 1361**, Page 1, by striking the title, which amendment was declared adopted.

Senator Johnson (Rob) moved that **HB 1361** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1361** 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, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Schulz, Simpson, Sparks, Stanislawski, Sykes and Treat.--34.

Nay: Eason McIntyre, Ellis, Johnson (C), Laster, Lerblance, Rice, Wilson and Wyrick.-8.

Excused: Bass, Bingman, Paddack, Reynolds, Russell and Shortey.--6.

The bill passed.

**HB 1361** was referred for engrossment.

### **GENERAL ORDER**

**HB 1343** by Proctor et al of the House and Ivester et al of the Senate was called up for consideration.

Senators Treat, Garrison, Brown and Eason McIntyre asked to coauthor **HB 1343**, which was the order.

Senator Ivester moved that **HB 1343** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1343** 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, 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, Reynolds, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Bass, Bingman, Mazzei, Paddack and Shortey.--5.

The bill and emergency passed.

**HB 1343** was referred for engrossment.

### **GENERAL ORDER**

**HB 1388** by Roan of the House and Ivester of the Senate was called up for consideration.

Senator Ivester moved that **HB 1388** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1388** 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, 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, Reynolds, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Bass, Bingman, Mazzei, Paddack and Shortey.--5.

The bill passed.

**HB 1388** was referred for engrossment.

### **GENERAL ORDER**

**HB 1464** by Johnson and Reynolds of the House and Sykes of the Senate was called up for consideration.

Senator Sykes moved that **HB 1464** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1464** 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, 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, Reynolds, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bass, Bingman, Paddack and Shortey.--4.

The bill passed.

**HB 1464** was referred for engrossment.

### **GENERAL ORDER**

**HB 2136** by Steele et al of the House and Newberry of the Senate was called up for consideration.

Senator Allen asked to coauthor **HB 2136**, which was the order.

Senator Newberry moved to amend **HB 2136**, 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 Newberry moved that **HB 2136** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2136** 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, 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, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bass, Bingman, Mazzei and Paddack.--4.

The bill passed.

**HB 2136** was referred for engrossment.

**MESSAGE FROM THE HOUSE**

Advising passage of and returning the following Engrossed bill:

**SB 931** – (emergency failed) coauthored by Ritze

The above-numbered measure was referred for enrollment.

Senator Schulz moved that the Senate recess to the call of the Chair, which motion was declared adopted.

\*

The Senate reconvened with Senator Jolley presiding.

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

**GENERAL ORDER**

**HB 1223** by McCullough of the House and Sykes of the Senate was called up for consideration.

Senator Nichols moved to amend **HB 1223**, Page 3, Line 6, by deleting the word “and”; Page 3, Line 10, by inserting after the word “court” and before the period “.” the language “, and c. constitutional state agencies shall have authority to employ or retain

counsel according to their internal hiring procedures; provided however, they shall appoint a point of contact to report such hiring practices and details to the Attorney General”.

Senator Nichols moved to suspend Senate Rule 12-4 as it pertains to **HB 1223**, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--32.

Nay: Adelson, Ballenger, Bass, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Rice, Wilson and Wyrick.--13.

Excused: Burrage, Paddack and Sparks.--3.

Senator Nichols moved to amend the above amendment to **HB 1223**, by deleting all language in the amendment and inserting on Page 11, Line 4 ½, the following language:

“C. The provisions of the Legal Services Reform Act shall not be applicable to the Oklahoma State Regents for Higher Education or to any institutions within the Oklahoma State System of Higher Education. The Oklahoma State Regents for Higher Education and the institutions within the Oklahoma State System for Higher Education shall file an annual report every October 15 with the Attorney General’s office stating the amounts spent during the previous fiscal year to retain private attorneys or law firms.”, which amendment was declared adopted.

Senator Sykes moved to amend **HB 1223**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Sykes moved that **HB 1223** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1223** 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, Bingman, Branan, Brecheen, Brinkley, Brown, Crain, David, Ford, Halligan, Holt, Ivester, Johnson (R), Jolley, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--30.

Nay: Adelson, Ballenger, Bass, Eason McIntyre, Ellis, Fields, Garrison, Johnson (C), Justice, Laster, Lerblance, Rice, Wilson and Wyrick.--14.

Excused: Burrage, Coates, Paddack and Sparks.--4.

The bill passed.

**HB 1223** was referred for engrossment.

## **GENERAL ORDER**

**HB 1652** by Enns et al of the House and Russell of the Senate was called up for consideration.

Senator Sykes asked to coauthor **HB 1652**, which was the order.

Senator Adelson moved to suspend Senate Rule 12-4 as it pertains to **HB 1652**, which motion failed of adopted upon roll call as follows:

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

Nay: Aldridge, Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Simpson, Stanislawski, Sykes and Treat.--30.

Excused: Paddack.--1.

Senator Russell moved that **HB 1652** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 1652** 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, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--41.

Nay: Allen, Eason McIntyre, Halligan, Johnson (C), Rice and Wilson.--6.

Excused: Paddack.--1.

The bill passed.

**HB 1652** was referred for engrossment.

### **GENERAL ORDER**

**HB 1382** by Condit et al of the House and Shortey of the Senate was called up for consideration.

Senator Shortey moved that **HB 1382** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1382** 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, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Nay: Johnson (R).--1.

Excused: Paddack.--1.

The bill passed.

**HB 1382** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1251** by Rousselot and Faught of the House and David and Fields of the Senate was called up for consideration.

Senator David asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1251**.

Senator David moved to amend **HB 1251**, Page 2, Line 4, by inserting after the word "take" and before the word "water" the word "raw"; and on Page 2, Line 5 by inserting after the word "tributaries" and before the word "in" the word "only"; and on Page 2, Line 5 by deleting after the word "in" and the before the word "quantities" the word "any"; and On Page 2, Line 5 by inserting after the word "needed" and before the word "by" the following language: "for municipal purposes or rural water district use"; and on Page 2,

Line 7 by inserting after the word “water” and before the semi-colon “;” a period (.) and the following language:

“Existing or future contracts for water sales with any private, commercial or industrial users or water suppliers, with the exception of municipalities or rural water districts as provided by this paragraph, shall not be affected by the provisions of this act. In the event of a dispute with the district over the amount of water authorized for use by a municipality or rural water district pursuant to the provisions of this paragraph, the Oklahoma Water Resources Board shall act as an arbitrator and authorize a reasonable amount of water usage;”, which amendment was declared adopted.

Senator David moved to amend **HB 1251**, Page 1, by restoring the title, which amendment was declared adopted.

Senator David moved that **HB 1251** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1251** 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, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Nay: Russell.--1.

Excused: Paddack.--1.

The bill passed.

**HB 1251** was referred for engrossment.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 26, 2011, at 9:00 a.m., which motion prevailed.

**COMMITTEE REPORTS**

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

**BILLS RELEASED  
TIME EXPIRED TO RECONSIDER**

**HB 1225** and **HB 1456** were referred for engrossment.

**MESSAGE FROM THE GOVERNOR**

Advising her approval April 25, 2011, of Enrolled **SB 73** and on April 26, 2011, **SBs 95, 193, 275, 495, 530, 633, 816** and **895**.

Pursuant to the Schulz motion, the Senate adjourned at 6:10 p.m. to meet Wednesday, April 26, 2011, at 9:00 a.m.