

# Senate Journal

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

Third Legislative Day, Tuesday, February 8, 2011

The Senate was called to order by Senator Jolley.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, 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.—46.

Excused: Adelson, Coates.—2.

Senator Jolley declared a quorum present.

The prayer was offered by Pastor Jerod Smith, Highpointe Church, Oklahoma City, the guest of Senator Treat.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SRs 1 and 2** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### INTRODUCTION

Senator Rob Johnson introduced his father and former Senator Mike Johnson to the Senate.

**REQUEST TO RECESS**

Pursuant to Article 5, Section 30 of the Oklahoma Constitution, the Senate requests the Honorable House to consent to the adjournment of the Senate for more than three days beginning on Wednesday, February 9, 2011 and ending on Monday, February 14, 2011.

**MESSAGE FROM THE HOUSE**

Advising the Honorable Senate pursuant to Article 5, Section 30 of the Oklahoma Constitution that the House grants the request of the Honorable Senate to adjourn for more than three (3) days beginning Wednesday, February 9, 2011 and ending Monday, February 14, 2011.

**MESSAGE FROM THE HOUSE**

Advising the Honorable Senate pursuant to Article 5, Section 30 of the Oklahoma Constitution that the House requests the Honorable Senate to grant the request of the House to adjourn for more than three (3) days beginning Wednesday, February 9, 2011 and ending Monday, February 14, 2011.

**REQUEST TO RECESS GRANTED**

Pursuant to Article 5, Section 30 of the Oklahoma Constitution the Senate grants the request of the Honorable House to adjourn for more than three days beginning, February 9, 2011 and ending on Monday, February 14, 2011.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, February 14, 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:

**SB 59** – Education, coauthored by Osborn (principal House author)

Ayes: Branan, Brecheen, David, Eason McIntyre, Ford, Garrison, Halligan, Holt, Jolley, Laster, Lerblance, Mazzei, Nichols, Paddack, Reynolds, Sparks, Stanislowski

**SB 862** – Judiciary, coauthored by Sullivan (principal House author)

Ayes: Brecheen, Crain, Johnson (Rob), Nichols, Shortey, Sykes

Nays: Eason McIntyre, Laster, Lerblance

**SB 863** – Judiciary, coauthored by Sullivan (principal House author)

Ayes: Brecheen, Crain, Johnson (Rob), Nichols, Shortey, Sykes

Nays: Eason McIntyre, Laster, Lerblance

**SB 864** – Judiciary, coauthored by Sullivan (principal House author)

Ayes: Brecheen, Johnson (Rob), Nichols, Shortey, Sykes

Nays: Crain, Eason McIntyre, Laster, Lerblance

**SB 865** – Judiciary, coauthored by Sullivan (principal House author)

Ayes: Brecheen, Crain, Johnson (Rob), Nichols, Shortey, Sykes

Nays: Eason McIntyre, Laster, Lerblance

DO PASS, As Amended:

**SB 171** – Education, coauthored by Casey (principal House author)

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

**SB 866** – Judiciary, coauthored by Sullivan (principal House author)

Ayes: Brecheen, Crain, Johnson (Rob), Nichols, Shortey, Sykes

Nays: Eason McIntyre, Laster, Lerblance

## **SECOND READING**

The following were read for the second time and referred to committee as indicated:

**SB 1** – Education

**SB 2** – Education

**SB 3** – Finance

**SB 4** – Finance

**SB 5** – Rules

**SB 6** – Education

**SB 7** – Rules

**SB 8** – Finance

**SB 9** – Judiciary

**SB 10** – General Government

**SB 11** – Transportation

**SB 12** – Education

**SB 13** – Finance

- SB 14** – Appropriations
- SB 15** – Agriculture and Rural Development
- SB 16** – General Government
- SB 17** – Rules
- SB 18** – Energy
- SB 19** – Energy
- SB 20** – General Government
- SB 21** – Tourism and Wildlife
- SB 22** – Rules
- SB 23** – Retirement and Insurance
- SB 24** – Retirement and Insurance
- SB 25** – Health and Human Services
- SB 26** – Health and Human Services
- SB 27** – Health and Human Services
- SB 28** – Retirement and Insurance
- SB 29** – Health and Human Services
- SB 30** – Health and Human Services
- SB 31** – Health and Human Services
- SB 32** – Health and Human Services
- SB 33** – Health and Human Services
- SB 34** – Health and Human Services
- SB 35** – Health and Human Services
- SB 36** – Health and Human Services
- SB 37** – Education
- SB 38** – Finance
- SB 39** – Health and Human Services
- SB 40** – Retirement and Insurance
- SB 41** – Transportation
- SB 42** – Finance
- SB 43** – Retirement and Insurance
- SB 44** – Veterans and Military Affairs
- SB 45** – Transportation
- SB 46** – Veterans and Military Affairs
- SB 47** – Finance
- SB 48** – Retirement and Insurance
- SB 49** – Retirement and Insurance
- SB 50** – Retirement and Insurance
- SB 51** – Health and Human Services
- SB 52** – Retirement and Insurance
- SB 53** – Retirement and Insurance
- SB 54** – Rules
- SB 55** – Education
- SB 56** – Veterans and Military Affairs
- SB 57** – Retirement and Insurance

- SB 58** – Agriculture and Rural Development
- SB 59** – Education
- SB 60** – Energy
- SB 61** – General Government
- SB 62** – Agriculture and Rural Development
- SB 63** – Health and Human Services
- SB 64** – Education
- SB 66** – Health and Human Services
- SB 67** – Rules
- SB 68** – Rules
- SB 69** – Health and Human Services
- SB 70** – Finance
- SB 71** – Retirement and Insurance
- SB 72** – Tourism and Wildlife
- SB 73** – General Government
- SB 74** – Retirement and Insurance
- SB 75** – Rules
- SB 76** – Energy
- SB 77** – Retirement and Insurance
- SB 78** – Retirement and Insurance
- SB 79** – Retirement and Insurance
- SB 80** – Education
- SB 81** – Retirement and Insurance
- SB 82** – Transportation
- SB 83** – Rules
- SB 84** – Appropriations
- SB 85** – Education
- SB 86** – Appropriations
- SB 87** – Energy
- SB 88** – Rules
- SB 89** – Education
- SB 90** – General Government
- SB 91** – Rules
- SB 92** – Agriculture and Rural Development
- SB 93** – Judiciary
- SB 94** – Tourism and Wildlife
- SB 95** – Public Safety
- SB 96** – General Government
- SB 97** – Appropriations
- SB 98** – Rules
- SB 99** – Rules
- SB 100** – Energy
- SB 101** – Finance
- SB 102** – General Government

- SB 103** – Finance
- SB 104** – General Government
- SB 105** – Finance
- SB 106** – Tourism and Wildlife
- SB 107** – Transportation
- SB 108** – Appropriations
- SB 109** – Education
- SB 110** – Energy
- SB 111** – Health and Human Services
- SB 112** – Retirement and Insurance
- SB 113** – Energy
- SB 114** – General Government
- SB 115** – Rules
- SB 116** – Rules
- SB 117** – Rules
- SB 118** – Rules
- SB 119** – Veterans and Military Affairs
- SB 120** – Finance
- SB 121** – Health and Human Services
- SB 122** – Finance
- SB 123** – Finance
- SB 124** – Judiciary
- SB 125** – Health and Human Services
- SB 126** – Public Safety
- SB 127** – General Government
- SB 128** – Agriculture and Rural Development
- SB 129** – Tourism and Wildlife
- SB 130** – General Government
- SB 131** – Public Safety
- SB 132** – Rules
- SB 133** – Finance
- SB 134** – Health and Human Services
- SB 135** – Energy
- SB 136** – Health and Human Services
- SB 137** – Public Safety
- SB 138** – Public Safety
- SB 139** – Rules
- SB 140** – Energy
- SB 141** – Education
- SB 142** – Education
- SB 143** – Public Safety
- SB 144** – Rules
- SB 145** – General Government
- SB 146** – Public Safety

- SB 147** – Rules
- SB 148** – Judiciary
- SB 149** – Judiciary
- SB 150** – Judiciary
- SB 151** – Judiciary
- SB 152** – Education
- SB 153** – Appropriations
- SB 154** – Finance
- SB 155** – Judiciary
- SB 156** – Judiciary
- SB 157** – Public Safety
- SB 158** – Education
- SB 159** – Education
- SB 160** – General Government
- SB 161** – Judiciary
- SB 162** – Public Safety
- SB 163** – Finance
- SB 164** – Rules
- SB 165** – Rules
- SB 166** – Rules
- SB 167** – Health and Human Services
- SB 168** – Public Safety
- SB 169** – Agriculture and Rural Development
- SB 170** – General Government
- SB 171** – Education
- SB 172** – General Government
- SB 173** – Education
- SB 174** – Education
- SB 175** – Rules
- SB 176** – Appropriations
- SB 177** – Health and Human Services
- SB 178** – Health and Human Services
- SB 179** – Public Safety
- SB 180** – Public Safety
- SB 181** – Rules
- SB 182** – Public Safety
- SB 183** – Retirement and Insurance
- SB 184** – General Government
- SB 185** – General Government
- SB 186** – General Government
- SB 187** – Public Safety
- SB 188** – Judiciary
- SB 189** – Judiciary
- SB 190** – Retirement and Insurance

- SB 191** – Retirement and Insurance
- SB 192** – Transportation
- SB 193** – Transportation
- SB 194** – Retirement and Insurance
- SB 195** – Transportation
- SB 196** – Retirement and Insurance
- SB 197** – Finance
- SB 198** – Public Safety
- SB 199** – Finance
- SB 200** – Finance
- SB 201** – Finance
- SB 202** – Agriculture and Rural Development
- SB 203** – Judiciary
- SB 204** – General Government
- SB 205** – Rules
- SB 206** – Education
- SB 207** – Education
- SB 208** – Finance
- SB 209** – Education
- SB 210** – Education
- SB 211** – Retirement and Insurance
- SB 212** – Health and Human Services
- SB 213** – Education
- SB 214** – Rules
- SB 215** – Public Safety
- SB 216** – General Government
- SB 217** – Judiciary
- SB 218** – Retirement and Insurance
- SB 219** – Retirement and Insurance
- SB 220** – Rules
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- SB 228** – Rules
- SB 229** – Rules
- SB 230** – Rules
- SB 231** – Rules
- SB 232** – Health and Human Services
- SB 233** – Finance
- SB 234** – Retirement and Insurance



- SB 235** – Transportation
- SB 236** – Judiciary
- SB 237** – Health and Human Services
- SB 238** – Judiciary
- SB 239** – Rules
- SB 240** – Health and Human Services
- SB 241** – Transportation
- SB 242** – Energy
- SB 243** – Energy
- SB 244** – Energy
- SB 245** – Rules
- SB 246** – Business and Commerce
- SB 247** – Health and Human Services
- SB 248** – Energy
- SB 249** – Health and Human Services
- SB 250** – Public Safety
- SB 251** – Veterans and Military Affairs
- SB 252** – Education
- SB 253** – Veterans and Military Affairs
- SB 254** – Rules
- SB 255** – Rules
- SB 256** – Education
- SB 257** – Public Safety
- SB 258** – Tourism and Wildlife
- SB 259** – Tourism and Wildlife
- SB 260** – Education
- SB 261** – Finance
- SB 262** – Finance
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- SB 264** – Education
- SB 265** – Judiciary
- SB 266** – General Government
- SB 267** – Appropriations
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- SB 273** – Energy
- SB 274** – Transportation
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- SB 411** – Retirement and Insurance
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**SB 494** – Public Safety  
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**SB 496** – Public Safety  
**SB 497** – Education  
**SB 498** – Appropriations

- SB 499** – Transportation
- SB 500** – Agriculture and Rural Development
- SB 501** – Veterans and Military Affairs
- SB 502** – Public Safety
- SB 503** – Business and Commerce
- SB 504** – Education
- SB 505** – Business and Commerce
- SB 506** – Business and Commerce
- SB 507** – Education
- SB 508** – Rules
- SB 509** – Education
- SB 510** – Judiciary
- SB 511** – Judiciary
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- SB 513** – Education
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- SB 516** – Energy
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- SB 520** – Rules
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- SB 528** – Judiciary
- SB 529** – Public Safety
- SB 530** – Judiciary
- SB 531** – Rules
- SB 532** – Transportation
- SB 533** – Education
- SB 534** – Education
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- SB 536** – Education
- SB 537** – Education
- SB 538** – Health and Human Services
- SB 539** – Judiciary
- SB 540** – Rules
- SB 541** – Appropriations
- SB 542** – Judiciary

**SB 543** – Rules  
**SB 544** – Judiciary  
**SB 545** – Rules  
**SB 546** – Judiciary  
**SB 547** – Retirement and Insurance  
**SB 548** – Finance  
**SB 549** – Rules  
**SB 550** – Rules  
**SB 551** – Rules  
**SB 552** – Rules  
**SB 553** – Direct To Calendar  
**SB 554** – Education  
**SB 555** – Rules  
**SB 556** – Public Safety  
**SB 557** – Appropriations  
**SB 558** – Veterans and Military Affairs  
**SB 559** – Rules  
**SB 560** – Rules  
**SB 561** – Rules  
**SB 562** – Rules  
**SB 563** – Retirement and Insurance  
**SB 564** – Rules  
**SB 565** – Rules  
**SB 566** – Health and Human Services  
**SB 567** – Public Safety  
**SB 568** – Business and Commerce  
**SB 569** – Business and Commerce  
**SB 570** – Business and Commerce  
**SB 571** – Finance  
**SB 572** – Health and Human Services  
**SB 573** – Health and Human Services  
**SB 574** – Appropriations  
**SB 575** – Education  
**SB 576** – Judiciary  
**SB 577** – Retirement and Insurance  
**SB 578** – Rules  
**SB 579** – Rules  
**SB 580** – Rules  
**SB 581** – Rules  
**SB 582** – Rules  
**SB 583** – Rules  
**SB 584** – Retirement and Insurance  
**SB 585** – Rules  
**SB 586** – Rules



- SB 587** – Finance
- SB 588** – Rules
- SB 589** – Rules
- SB 590** – Rules
- SB 591** – Energy
- SB 592** – Energy
- SB 593** – Finance
- SB 594** – Rules
- SB 595** – Transportation
- SB 596** – Energy
- SB 597** – Rules
- SB 598** – Energy
- SB 599** – Education
- SB 600** – Rules
- SB 601** – Rules
- SB 602** – Rules
- SB 603** – Business and Commerce
- SB 604** – Business and Commerce
- SB 605** – Education
- SB 606** – Rules
- SB 607** – Rules
- SB 608** – Judiciary
- SB 609** – Judiciary
- SB 610** – Education
- SB 611** – Judiciary
- SB 612** – Rules
- SB 613** – Judiciary
- SB 614** – General Government
- SB 615** – Rules
- SB 616** – Retirement and Insurance
- SB 617** – Tourism and Wildlife
- SB 618** – General Government
- SB 619** – Rules
- SB 620** – Rules
- SB 621** – Rules
- SB 622** – Rules
- SB 623** – Rules
- SB 624** – Rules
- SB 625** – Rules
- SB 626** – General Government
- SB 627** – Rules
- SB 628** – Energy
- SB 629** – Energy
- SB 630** – Transportation

- SB 631** – Rules
- SB 632** – Education
- SB 633** – Veterans and Military Affairs
- SB 634** – Rules
- SB 635** – Finance
- SB 636** – Rules
- SB 637** – Agriculture and Rural Development
- SB 638** – Education
- SB 639** – Rules
- SB 640** – Energy
- SB 641** – Energy
- SB 642** – Energy
- SB 643** – Retirement and Insurance
- SB 644** – Rules
- SB 645** – Business and Commerce
- SB 646** – Health and Human Services
- SB 647** – Rules
- SB 648** – Business and Commerce
- SB 649** – Rules
- SB 650** – Education
- SB 651** – Public Safety
- SB 652** – Judiciary
- SB 653** – Judiciary
- SB 654** – Appropriations
- SB 655** – Education
- SB 656** – Tourism and Wildlife
- SB 657** – Judiciary
- SB 658** – Business and Commerce
- SB 659** – Business and Commerce
- SB 660** – Rules
- SB 661** – Rules
- SB 662** – Rules
- SB 663** – Retirement and Insurance
- SB 664** – Education
- SB 665** – Judiciary
- SB 666** – General Government
- SB 667** – Health and Human Services
- SB 668** – Health and Human Services
- SB 669** – Rules
- SB 670** – Rules
- SB 671** – Appropriations
- SB 672** – Business and Commerce
- SB 673** – Health and Human Services
- SB 674** – Public Safety

- SB 675** – Appropriations
- SB 676** – Health and Human Services
- SB 677** – Health and Human Services
- SB 678** – Rules
- SB 679** – Health and Human Services
- SB 680** – Rules
- SB 681** – Rules
- SB 682** – Education
- SB 683** – Education
- SB 684** – Business and Commerce
- SB 685** – Agriculture and Rural Development
- SB 686** – General Government
- SB 687** – Business and Commerce
- SB 688** – Judiciary
- SB 689** – Rules
- SB 690** – Rules
- SB 691** – Business and Commerce
- SB 692** – Health and Human Services
- SB 693** – Redistricting
- SB 694** – Redistricting
- SB 695** – Redistricting
- SB 696** – Redistricting
- SB 697** – Redistricting
- SB 698** – Redistricting
- SB 699** – Redistricting
- SB 700** – Redistricting
- SB 701** – Judiciary
- SB 702** – Judiciary
- SB 703** – Rules
- SB 704** – Judiciary
- SB 705** – Judiciary
- SB 706** – Rules
- SB 707** – General Government
- SB 708** – General Government
- SB 709** – Appropriations
- SB 710** – Transportation
- SB 711** – Transportation
- SB 712** – Rules
- SB 713** – Appropriations
- SB 714** – Rules
- SB 715** – Rules
- SB 716** – Rules
- SB 717** – Rules
- SB 718** – Education

**SB 719** – Rules  
**SB 720** – Rules  
**SB 721** – Rules  
**SB 722** – Rules  
**SB 723** – Appropriations  
**SB 724** – Appropriations  
**SB 725** – Appropriations  
**SB 726** – Health and Human Services  
**SB 727** – Redistricting  
**SB 728** – Finance  
**SB 729** – Finance  
**SB 730** – Finance  
**SB 731** – Rules  
**SB 732** – Finance  
**SB 733** – Finance  
**SB 734** – Rules  
**SB 735** – Appropriations  
**SB 736** – Public Safety  
**SB 737** – Redistricting  
**SB 738** – Energy  
**SB 739** – Rules  
**SB 740** – Judiciary  
**SB 741** – Appropriations  
**SB 742** – Transportation  
**SB 743** – Appropriations  
**SB 744** – Finance  
**SB 745** – Finance  
**SB 746** – Rules  
**SB 747** – Rules  
**SB 748** – Veterans and Military Affairs  
**SB 749** – Finance  
**SB 750** – Finance  
**SB 751** – Judiciary  
**SB 752** – Rules  
**SB 753** – Appropriations  
**SB 754** – Rules  
**SB 755** – Business and Commerce  
**SB 756** – Business and Commerce  
**SB 757** – Finance  
**SB 758** – Public Safety  
**SB 759** – Rules  
**SB 760** – Rules  
**SB 761** – Judiciary  
**SB 762** – Judiciary

- SB 763** – Judiciary
- SB 764** – Judiciary
- SB 765** – Judiciary
- SB 766** – Judiciary
- SB 767** – Rules
- SB 768** – Judiciary
- SB 769** – Judiciary
- SB 770** – Rules
- SB 771** – Rules
- SB 772** – Business and Commerce
- SB 773** – Agriculture and Rural Development
- SB 774** – Business and Commerce
- SB 775** – Business and Commerce
- SB 776** – Business and Commerce
- SB 777** – Retirement and Insurance
- SB 778** – Business and Commerce
- SB 779** – Retirement and Insurance
- SB 780** – Retirement and Insurance
- SB 781** – Appropriations
- SB 782** – Retirement and Insurance
- SB 783** – Judiciary
- SB 784** – Retirement and Insurance
- SB 785** – Public Safety
- SB 786** – Rules
- SB 787** – Retirement and Insurance
- SB 788** – Retirement and Insurance
- SB 789** – Business and Commerce
- SB 790** – Judiciary
- SB 791** – Appropriations
- SB 792** – Rules
- SB 793** – Appropriations
- SB 794** – Retirement and Insurance
- SB 795** – Retirement and Insurance
- SB 796** – Business and Commerce
- SB 797** – Business and Commerce
- SB 798** – Judiciary
- SB 799** – Judiciary
- SB 800** – Rules
- SB 801** – Retirement and Insurance
- SB 802** – Retirement and Insurance
- SB 803** – Rules
- SB 804** – Rules
- SB 805** – Public Safety
- SB 806** – Retirement and Insurance

**SB 807** – Retirement and Insurance  
**SB 808** – Rules  
**SB 809** – Retirement and Insurance  
**SB 810** – Retirement and Insurance  
**SB 811** – Retirement and Insurance  
**SB 812** – Appropriations  
**SB 813** – Judiciary  
**SB 814** – Judiciary  
**SB 815** – Judiciary  
**SB 816** – General Government  
**SB 817** – Rules  
**SB 818** – Judiciary  
**SB 819** – Public Safety  
**SB 820** – Public Safety  
**SB 821** – Redistricting  
**SB 822** – Redistricting  
**SB 823** – Redistricting  
**SB 824** – Redistricting  
**SB 825** – Education  
**SB 826** – Business and Commerce  
**SB 827** – Business and Commerce  
**SB 828** – Tourism and Wildlife  
**SB 829** – Judiciary  
**SB 830** – Rules  
**SB 831** – Business and Commerce  
**SB 832** – Finance  
**SB 833** – Finance  
**SB 834** – Finance  
**SB 835** – Rules  
**SB 836** – Judiciary  
**SB 837** – Judiciary  
**SB 838** – Judiciary  
**SB 839** – Rules  
**SB 840** – Retirement and Insurance  
**SB 841** – Rules  
**SB 842** – Redistricting  
**SB 843** – Judiciary  
**SB 844** – Public Safety  
**SB 845** – Public Safety  
**SB 846** – Rules  
**SB 847** – Rules  
**SB 848** – Judiciary  
**SB 849** – Rules  
**SB 850** – Judiciary

- SB 862** – Judiciary
- SB 863** – Judiciary
- SB 864** – Judiciary
- SB 865** – Judiciary
- SB 866** – Judiciary
- SJR 1** – Retirement and Insurance
- SJR 2** – Rules
- SJR 3** – Finance
- SJR 4** – Finance
- SJR 5** – Finance
- SJR 6** – Education
- SJR 7** – Energy
- SJR 8** – Health and Human Services
- SJR 9** – Health and Human Services
- SJR 10** – Health and Human Services
- SJR 11** – Energy
- SJR 12** – Rules

Pursuant to the Schulz motion, the Senate adjourned at 2:05 p.m. to meet Monday, February 14, 2011 at 1:30 p.m.