

Senate Journal

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

Fifteenth Legislative Day, Thursday, March 3, 2011

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Brecheen, Brinkley, Burrage, Coates, Crain, David, Eason McIntyre, 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.—45.

Excused: Branan, Brown and Ellis.—3.

Senator Stanislawski declared a quorum present.

The prayer was offered by Reverend Kenneth J. Harder, St. Francis Xavier Catholic Church, Stillwater, the guest of Senator Halligan.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SB 45, 102, 270, 289, 379, 417 and 595 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1010, 1226 and 1441**.

HB 1010 – By McDaniel (Randy) of the House and Mazzei of the Senate.

An Act relating to public retirement systems; amending 20 O.S. 2001, Sections 1102, as last amended by Section 4, Chapter 435, O.S.L. 2010 and 1104, as last amended by Section 6, Chapter 464, O.S.L. 2005 (20 O.S. Supp. 2010, Sections 1102 and 1104), which relate to The Uniform Retirement System for Justices and Judges; modifying provisions

related to normal retirement age; modifying factor used in retirement benefit computations for persons with specified date of initial membership; and providing an effective date.

HB 1226 – By Ownbey, Reynolds, Ritze, Wesselhoft and Walker of the House and Simpson of the Senate.

An Act relating to eminent domain; requiring an unused portion of condemned real property to be offered for resale to the original owner or heirs; specifying how to determine resale price; requiring certain person, agency or entity to provide certain notice to former landowner; specifying manner of notification; allowing property to be sold at public sale under certain conditions; providing for codification; and providing an effective date.

HB 1441 – By Cox of the House and Jolley of the Senate.

An Act relating to professions and occupations; amending Section 1, Chapter 74, O.S.L. 2009, as amended by Section 1, Chapter 247, O.S.L. 2010 (59 O.S. Supp. 2010, Section 367.8), which relates to the maintaining of emergency medication kits in certain facilities; modifying pharmacies that may maintain certain substances in emergency medication kits; deleting certain definition; and providing an effective date.

The above-numbered measures were read the first time.

GENERAL ORDER

SB 738 by Schulz of the Senate and Sanders of the House was called up for consideration.

Senator Schulz moved that **SB 738** be advanced, which motion was declared adopted.

THIRD READING

SB 738 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, Bingman, Brecheen, Brinkley, Burrage, Coates, Crain, David, Eason McIntyre, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Jolley, Justice, Lerblance, Mazzei, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--39.

Excused: Aldridge, Branan, Brown, Ellis, Ivester, Johnson (R), Laster, Marlatt and Nichols.--9.

The bill and emergency passed.

SB 738 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Sykes moved to reconsider the vote whereby **SB 866** passed.

Senator Schulz moved to table the motion to reconsider the vote whereby **SB 866** passed, which motion was declared adopted.

SB 866 was referred for engrossment.

GENERAL ORDER

SB 95 by Fields of the Senate and McNiel of the House was called up for consideration.

Senator Fields moved that **SB 95** be advanced, which motion was declared adopted.

THIRD READING

SB 95 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, Bingman, Brecheen, Brinkley, Burrage, Coates, Crain, David, Eason McIntyre, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Mazzei, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Branan, Brown, Ellis, Johnson (R), Marlatt and Nichols.--6.

The bill and emergency passed.

SB 95 was referred for engrossment.

GENERAL ORDER

SB 587 by Bingman of the Senate and Trebilcock of the House was called up for consideration.

Senator Bingman moved that **SB 587** be advanced, which motion was declared adopted.

THIRD READING

SB 587 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, Bingman, Brecheen, Brinkley, Burrage, Coates, Crain, David, Eason McIntyre, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Branan, Brown, Ellis, Johnson (R) and Marlatt.--5.

The bill and emergency passed.

SB 587 was referred for engrossment.

GENERAL ORDER

SJR 37 by Schulz of the Senate and Osborn of the House was called up for consideration.

Senator Schulz moved that **SJR 37** be advanced, which motion was declared adopted.

THIRD READING

SJR 37 was read for the third time at length.

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

Aye: Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Brecheen, Burrage, Coates, Crain, David, Fields, Ford, Garrison, Halligan, Ivester, Justice, Laster, Lerblance, Myers, Newberry, Paddack, Russell, Schulz, Simpson, Stanislawski, Sykes and Wyrick.--28.

Nay: Adelson, Aldridge, Brinkley, Eason McIntyre, Holt, Johnson (C), Jolley, Mazzei, Nichols, Reynolds, Rice, Shortey, Sparks, Treat and Wilson.--15.

Excused: Branan, Brown, Ellis, Johnson (R) and Marlatt.--5.

The bill passed.

SJR 37 was referred for engrossment.

GENERAL ORDER

SB 191 by Aldridge of the Senate and Key of the House was called up for consideration.

Senator Aldridge moved that **SB 191** be advanced, which motion was declared adopted.

THIRD READING

SB 191 was read for the third time at length.

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

Aye: Adelson, Aldridge, Barrington, Burrage, Coates, Crain, Eason McIntyre, Ford, Garrison, Halligan, Ivester, Johnson (C), Laster, Myers, Paddack, Rice, Schulz, Sparks, Treat, Wilson and Wyrick.--21.

Nay: Allen, Anderson, Ballenger, Bass, Bingman, Brinkley, David, Fields, Holt, Jolley, Justice, Mazzei, Newberry, Nichols, Russell, Shortey, Simpson, Stanislawski and Sykes.--19.

Excused: Branan, Brecheen, Brown, Ellis, Johnson (R), Lerblance, Marlatt and Reynolds.--8.

The bill failed.

Pursuant to Rule 12-21, Senator Aldridge served notice that the vote be reconsidered whereby **SB 191** failed.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 7, 2011, at 1:30 p.m., which motion prevailed.

Pursuant to the Schulz motion, the Senate adjourned at 10:40 a.m. to meet Monday, March 7, 2011, at 1:30 p.m.