

Senate Journal

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

Thirty-sixth Legislative Day, Tuesday, April 12, 2011

The Senate was called to order by Senator David.

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, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—48.

Senator David declared a quorum present.

The prayer was offered by Reverend Kirt Moelling, Lakeside United Methodist Church, Oklahoma City, the guest of Senator Rice.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1050, 1051, 1230, 1231, 1468, 1533 and 1648 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SCR 11 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 54, 331, 406 and 840 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGE FROM THE HOUSE

Advising the Honorable Senate that the House of Representatives is ready to convene in Joint Session.

Senator Schulz moved that the Senate recess to meet with the House in Joint Session and the Senate stand adjourned to the call of the Chair, which motion was declared adopted.

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JOINT SESSION

The Fourth Joint Session of the First Regular Session of the Fifty-third Legislature assembled in the House Chamber on Tuesday, April 12, 2011, and was called to order by Lieutenant Governor Todd Lamb.

Senator Schulz moved that the attendance roll call of the Senate be considered the roll call of the Senate in Joint Session, which was the order.

Representative Sullivan moved that the attendance roll call of the House be considered the roll call of the House in Joint Session, which was the order.

Lieutenant Governor Lamb declared quorums of the Senate and House present and the Joint Session duly assembled.

Invocation was offered by Brother Doyle Pryor of the First Baptist Church, Sapulpa.

Posting of the Colors was presented by the Thunderbird Youth Academy Cadets, Pryor.

Lieutenant Governor Lamb recognized Colonel Brent Wright for introduction of Adjutant General Major General Miles L. Deering.

Major General Deering addressed the Joint Session and conducted the program commemorating the 45th Infantry Division Appreciation Day.

Major General Deering introduced Governor Mary Fallin who addressed the Joint Session.

Colonel Wright read a formal Proclamation from Governor Mary Fallin recognizing 45th Appreciation Day and presented the Proclamation to Major General Deering.

Lieutenant Governor Lamb addressed the Joint Session.

Upon motion of Representative Sullivan, the Fourth Joint Session was ordered dissolved at 10:15 a.m.

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The Senate reconvened with Senator David presiding.

Senator David 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 228 - (emergency failed)
SB 815

House amendments were read on the above-numbered bills.

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1007, 1060, 1218, 1228, 1412, 1634, 1688, 1969, 1991** and **2038**.

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

GENERAL ORDER

HB 1475 by Armes and Ritze of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 1475** be advanced, which motion was declared adopted.

THIRD READING

Senator Barrington asked that **HB 1475** be laid for this legislative day, which was the order.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCR 1010**.

HCR 1010 – By Schwartz, Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Enns, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan,

Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams and Wright of the House and Justice of the Senate.

A Concurrent Resolution commending Lester Claravall; congratulating him upon his selection to receive the 2011 National Public Service Award; and directing distribution.

The above-numbered measure was read the first time.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Justice asked unanimous consent to refer **HCR 1010** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1010 by Schwartz et al of the House and Justice of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1010**, which was the order.

HCR 1010 was adopted upon motion of Senator Justice and properly signed and ordered returned to the Honorable House.

INTRODUCTION

Senator Shortey introduced his daughters, Kaitlyn and Elena, and his wife Jenni, and his mother-in-law Yume Fish, to the Senate.

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 Stanislawski presiding.

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

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 54, 331, 406 and 840**.

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

Advising passage of and returning the following Engrossed measures:

SB 104

SB 603

SCR 11 - coauthored by all other Representatives

The above-numbered measures were referred for enrollment.

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later:

HB 1321

HB 2117

INTRODUCTION

Senator Brown introduced former Senator Gerald Jed Wright to the Senate.

GENERAL ORDER

HB 1047 by Faught of the House and Garrison of the Senate was called up for consideration.

Senator Garrison moved that **HB 1047** be advanced, which motion was declared adopted.

THIRD READING

HB 1047 was read for the third time at length.

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

Aye: Aldridge, 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, Paddack, Reynolds, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Allen, Mazzei and Shortey.--4.

The bill passed.

HB 1047 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1992 by Sullivan of the House and Crain of the Senate, considered on page 796, was called up for further consideration.

Senator Crain asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1992**.

Senator Crain moved to amend **HB 1992**, Page 1, by striking the title, which amendment was declared adopted.

Senator Crain moved that **HB 1992** be advanced, which motion was declared adopted.

THIRD READING

HB 1992 was read for the third time at length.

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

Aye: Barrington, Branan, Brecheen, Coates, Crain, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Laster, Newberry, Schulz, Stanislawski and Treat.--16.

Nay: Adelson, Aldridge, Allen, Anderson, Ballenger, Bass, Brinkley, Brown, Burrage, David, Eason McIntyre, Ellis, Fields, Garrison, Ivester, Johnson (C), Lerblance, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Shortey, Simpson, Sparks, Sykes, Wilson and Wyrick.--30.

Excused: Bingman and Marlatt.--2.

The bill failed.

GENERAL ORDER

HB 1460 by Denney of the House and Halligan of the Senate was called up for consideration.

Senator Allen asked to coauthor **HB 1460**, which was the order.

Senator Halligan moved that **HB 1460** be advanced, which motion was declared adopted.

THIRD READING

HB 1460 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, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Bingman, Marlatt and Reynolds.--3.

The bill and emergency passed.

HB 1460 was properly signed and ordered returned to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Schulz asked unanimous consent to refer **HCR 1011** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1011 by Blackwell of the House and Schulz of the Senate was called up for consideration.

HCR 1011 was adopted upon motion of Senator Schulz and ordered returned to the Honorable House.

GENERAL ORDER

HB 1034 by Murphey and Derby of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved to amend **HB 1034**, Page 16, Line 17, by deleting after the word "contract", and before the word "entered", on Line 18 all new language, which amendment was declared adopted.

Senator Aldridge asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1034**.

Senator Aldridge moved to amend **HB 1034**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Aldridge moved that **HB 1034** be advanced, which motion was declared adopted.

THIRD READING

HB 1034 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, 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, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Bingman and Mazzei.--2.

The bill passed.

HB 1034 was referred for engrossment.

GENERAL ORDER

HB 1255 by Rousselot et al of the House and David of the Senate was called up for consideration.

Senator David moved to amend **HB 1255**, Page 1, Line 23 through Page 2, Line 4, by deleting subsection B and by re-lettering subsection, which amendment was declared adopted upon roll call as follows:

Aye: Aldridge, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Eason McIntyre, Fields, Ford, Halligan, Holt, Johnson (C), Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Rice, Schulz, Stanislawski, Treat, Wilson and Wyrick.--29.

Nay: Adelson, Allen, Anderson, Ballenger, Bass, Coates, Ellis, Garrison, Ivester, Johnson (R), Jolley, Mazzei, Paddack, Reynolds, Russell, Shortey, Simpson, Sparks and Sykes.--19.

Senator David moved to amend **HB 1255**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendments restore **HB 1255** to the engrossed version of the bill.

Senator David moved that **HB 1255** be advanced, which motion was declared adopted.

THIRD READING

HB 1255 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, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--45.

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

The bill passed.

HB 1255 was properly signed and ordered returned to the Honorable House.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 13, 2011, at 10:00 a.m., which motion prevailed.

Pursuant to the Schulz motion, the Senate adjourned at 3:25 p.m. to meet Wednesday, April 13, 2011, at 10:00 a.m.