

Senate Journal

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

Forty-sixth Legislative Day, Tuesday, May 3, 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, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—45.

Excused: Crain, Myers and Reynolds.—3.

Senator Ford declared a quorum present.

The prayer was offered by Minister Jim Hall, Fletcher Christian Church, Fletcher, the guest of Senator Barrington.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 180, 206, 214, 256, 346, 445, 446, 527, 857 and 943 and **SJR 15** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 22 and 23 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

SCR 16 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

PENDING CONSIDERATION OF HAS

HAs to **SB 124** were concurred in upon motion of Senator Justice.

SB 124, as amended by the Honorable House, was read 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, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (R), Jolley, Justice, Laster, Lerblance, Mazzei, Newberry, Nichols, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--40.

Excused: Crain, Holt, Johnson (C), Marlatt, Myers, Paddack, Reynolds and Treat.--8.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Eason McIntyre asked unanimous consent to refer **SR 20** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 20 by Eason McIntyre was called up for consideration.

All other members of the Senate asked to coauthor **SR 20**, which was the order.

SR 20 was adopted upon motion of Senator Eason McIntyre and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Eason McIntyre asked unanimous consent to refer **SCR 17** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 17 by Eason McIntyre and Johnson (Constance) of the Senate and Hardin et al of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 17**, which was the order.

SCR 17 was adopted upon motion of Senator Eason McIntyre and referred for engrossment.

INTRODUCTIONS

Senator Schulz introduced Lieutenant Governor Todd Lamb; and Senator Rice introduced former Lieutenant Governor Jari Askins, to the Senate.

GENERAL ORDER

HB 2145 by Steele and DeWitt of the House and Bingman of the Senate was called up for consideration.

Senator Jolley moved that **HB 2145** be advanced, which motion was declared adopted.

THIRD READING

HB 2145 was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Ellis, Fields, Ford, Halligan, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--35.

Nay: Ballenger, Garrison, Laster, Lerblance, Rice and Wilson.--6.

Excused: Crain, Eason McIntyre, Holt, Ivester, Johnson (C), Myers and Reynolds.--7.

The bill passed.

HB 2145 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SB 708 were concurred in upon motion of Senator Jolley.

SB 708, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Allen, Anderson, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Marlatt, Mazzei, Newberry, Nichols, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes and Treat.--34.

Nay: Aldridge, Ballenger, Garrison, Lerblance, Paddack, Rice, Wilson and Wyrick.--8.

Excused: Bingman, Crain, Holt, Myers, Reynolds and Shortey.--6.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

GENERAL ORDER

HB 1527 by Steele and DeWitt of the House and Bingman of the Senate was called up for consideration.

Senator Fields moved that **HB 1527** be advanced, which motion was declared adopted.

THIRD READING

HB 1527 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, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes and Treat.--37.

Nay: Ivester, Johnson (C), Rice, Wilson and Wyrick.--5.

Excused: Aldridge, Crain, Holt, Myers, Reynolds and Shortey.--6.

The bill passed.

HB 1527 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SB 324 were concurred in upon motion of Senator Brown.

SB 324, as amended by the Honorable House, was read 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, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bingman, Crain, Holt, Myers, Reynolds and Shortey.--6.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 412 were concurred in upon motion of Senator Brown.

SB 412, as amended by the Honorable House, was read 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, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Crain, Holt, Myers, Reynolds and Shortey.--5.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAs

HAs to **SB 954** were concurred in upon motion of Senator Nichols.

SB 954, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Branan, Brinkley, Brown, Coates, David, Fields, Ford, Halligan, Ivester, Johnson (R), Justice, Marlatt, Mazzei, Newberry, Nichols, Russell, Schulz, Simpson, Stanislawski and Treat.--22.

Nay: Adelson, Anderson, Ballenger, Bass, Brecheen, Eason McIntyre, Ellis, Garrison, Jolley, Laster, Lerblance, Paddack, Rice, Sparks, Sykes, Wilson and Wyrick.--17.

Excused: Aldridge, Bingman, Burrage, Crain, Holt, Johnson (C), Myers, Reynolds and Shortey.--9.

The Chair advised that Senators Burrage and Johnson (Constance), having been present in the Chamber during the vote on **SB 954** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 22; Nay: 19; Excused: 7.

The bill failed.

Pursuant to Rule 12-21, Senator Nichols served notice that the vote be reconsidered whereby **SB 954** failed.

PENDING CONSIDERATION OF HAs

HAs to **SBs 91, 201, 278, 280, 709, 782** and **867** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 17 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

HB 2145 was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1051, 1267, 1347, 1456, 1648 and 2033.**

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

Advising fourth reading of and returning Enrolled **SB 346.**

The above-numbered enrolled measure was referred to the Governor.

Advising fourth reading of and returning Enrolled **SBs 180, 206, 214, 256, 445, 446, 527, 857 and 943.**

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

Advising fourth reading of and returning Enrolled **SJR 15.**

The above-numbered enrolled measure was referred to the Secretary of State.

Advising passage of and transmitting for consideration Engrossed **HCR 1018.**

HCR 1018 – By Dorman, Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, DeWitt, Denney, Derby, 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, Schwartz, 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 Bass of the Senate.

A Concurrent Resolution celebrating the field artillery; declaring May 19, 2011, Field Artillery Day; and directing distribution.

The above-numbered measure was read the first time.

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

HB 1243 - Conference Committee on Insurance and Economic Development
HB 1319 - Conference Committee on Public Safety, Judiciary and Military Affairs
HB 1446 - Conference Committee on Public Safety, Judiciary and Military Affairs
HB 1488 - GCCA
HB 1603 - Conference Committee on Public Safety, Judiciary and Military Affairs
HB 1750 - Conference Committee on General Government and Transportation
HB 1903 - Conference Committee on General Government and Transportation
HB 1943 - Conference Committee on Natural Resources
HB 1953 - Conference Committee on Insurance and Economic Development
HB 2140 - Conference Committee on Government Modernization and Rules
HB 2145 - Conference Committee on Redistricting

Advising passage of and returning the following Engrossed bill:

SCR 17 - coauthored by all other members of the House

The above-numbered measure was referred for enrollment.

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

SB 13 - GCCA
SB 122 - GCCA
SB 123 - GCCA
SB 154 - GCCA
SB 261 - GCCA
SB 728 - GCCA
SB 729 - GCCA
SB 730 - GCCA
SB 732 - GCCA
SB 733 - GCCA
SB 738 - Conference Committee on Natural Resources

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

HB 1388 - GCCA
HB 1652 - Conference Committee on Public Safety, Judiciary and Military Affairs
HB 1852 - GCCA
HB 1995 - Conference Committee on Public Safety, Judiciary and Military Affairs

HB 2072 - Conference Committee on Insurance and Economic Development
HB 2075 - Conference Committee on Insurance and Economic Development
HB 2121 - Conference Committee on Natural Resources

SCs NAMED

Upon motion of Senator Schulz, Senate conferees were appointed as follows:

SB 13 – GCCA
SB 122 – GCCA
SB 123 – GCCA
SB 132 – GCCA
SB 154 – GCCA
SB 261 – GCCA
SB 339 – Branan, Stanislawski, Marlatt, Fields, Garrison, Burrage
SB 728 – GCCA
SB 729 – GCCA
SB 730 – GCCA
SB 732 – GCCA
SB 733 – GCCA

PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Schulz, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

HB 1002 – Mazzei, Brown, Brecheen, Crain, Rice, Sparks
HB 1050 – Ballenger, Johnson (Rob), Wyrick, Anderson, Justice, Barrington
HB 1207 – GCCA
HB 1211 – Newberry, Barrington, Treat, Brecheen, Burrage, Eason McIntyre
HB 1230 – Mazzei, Brinkley, Aldridge, Treat, Wilson, Ivester
HB 1304 – GCCA
HB 1418 – GCCA
HB 1475 – GCCA
HB 1507 – Johnson (Rob), Barrington, Crain, Nichols, Burrage, Garrison
HB 1594 – Crain, Newberry, Anderson, Stanislawski, Laster, Lerblance
HB 1601 – GCCA
HB 1655 – GCCA
HB 1676 – GCCA
HB 1954 – Mazzei, Brinkley, Halligan, Simpson, Wilson, Sparks

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HB 1559 – remove David and add Nichols

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 4, 2011, at 1:30 p.m., which motion prevailed.

MESSAGE FROM THE GOVERNOR

Advising her approval May 3, 2011, of Enrolled **SBs 141, 235, 742, 923, 931** and **SJR 24**.

Pursuant to the Schulz motion, the Senate adjourned at 11:00 a.m. to meet Wednesday, May 4, 2011, at 1:30 p.m.