

Senate Journal

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

Forty-seventh Legislative Day, Wednesday, May 4, 2011

The Senate was called to order by Senator Marlatt.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—44.

Excused: Burrage, Laster, Myers and Reynolds.—4.

Senator Marlatt 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 124, 324, 412 and 708 and SCR 17 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 20 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

PENDING CONSIDERATION OF HAS

HAs to SB 928 were concurred in upon motion of Senator Newberry.

SB 928, 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, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Holt, Ivester, Johnson (R), Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--36.

Excused: Anderson, Bingman, Burrage, Ford, Garrison, Halligan, Johnson (C), Jolley, Laster, Mazzei, Myers and Reynolds.--12.

The bill passed.

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

INTRODUCTIONS

Senator Johnson (Rob) introduced his daughters, Kensington and McKellyn; and Senator Aldridge introduced his daughter, Courtney, to the Senate.

PENDING CONSIDERATION OF HAS

HAs to SB 82 were concurred in upon motion of Senator Stanislawski.

SB 82, 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, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Holt, Ivester, Johnson (R), Justice, Lerblance, Marlatt, Newberry, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--35.

Excused: Anderson, Bingman, Burrage, Ford, Garrison, Halligan, Johnson (C), Jolley, Laster, Mazzei, Myers, Nichols and Reynolds.--13.

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 536 were concurred in upon motion of Senator Stanislawski.

SB 536, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Allen, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Holt, Johnson (R), Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Russell, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--32.

Nay: Ivester and Wyrick.--2.

Excused: Adelson, Anderson, Bingman, Burrage, Ford, Garrison, Halligan, Johnson (C), Jolley, Laster, Mazzei, Myers, Reynolds and Schulz.--14.

The Chair advised that Senator Schulz, having been present in the Chamber during the vote on **SB 536** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 32; Nay: 3; Excused: 13.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 701 were concurred in upon motion of Senator Aldridge.

SB 701, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Anderson, Burrage, Garrison, Laster, Mazzei, Myers and Reynolds.--7.

The bill passed.

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

INTRODUCTION

Senator Jolley introduced former United States Congressman Mickey Edwards, and asked unanimous consent, which was granted, that he be granted privileges of the floor for this legislative day.

PENDING CONSIDERATION OF HAS

HAs to **SB 780** were concurred in upon motion of Senator Aldridge.

SB 780, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Anderson, Burrage, Garrison, Laster, Mazzei, Myers and Reynolds.--7.

The bill passed.

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

MOTION TO RECONSIDER VOTE

Senator Nichols moved to reconsider the vote whereby **SB 954** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Aldridge, Anderson, Burrage, Garrison, Johnson (R), Laster, Myers and Reynolds.--8.

FOURTH READING

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

Aye: Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Halligan, Holt, Johnson (C), Johnson (R), Justice, Marlatt, Newberry, Nichols, Paddock, Rice, Russell, Schulz, Simpson, Stanislawski and Treat.--29.

Nay: Allen, Eason McIntyre, Jolley, Lerblance, Mazzei, Shortey, Sparks, Sykes and Wilson.--9.

Excused: Adelson, Anderson, Burrage, Ellis, Garrison, Ivester, Laster, Myers, Reynolds and Wyrick.--10.

The Chair advised that Senators Ivester, Wyrick and Adelson, 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: 29; Nay: 12; Excused: 7.

The bill passed.

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

Senator Stanislawski presiding.

MESSAGES FROM THE HOUSE

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

HB 1062 - Conference Committee on Government Modernization and Rules
HB 1202 - Conference Committee on Insurance and Economic Development
HB 1343 - GCCA

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1010, 1212, 1282, 1520, 1533, 1549, 1615, 1821, 2023** and **2132**.

Advising fourth reading of and returning Enrolled **SBs 124, 324, 412** and **708**.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1010, 1212, 1282, 1520, 1527, 1533, 1549, 1821, 2023** and **2132**.

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

Advising the signing of and returning Enrolled **SCR 17**.

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

PENDING CONSIDERATION OF HAS

HAs to SB 19 were concurred in upon motion of Senator Ballenger.

SB 19, 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, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bingman, Burrage, Laster, Mazzei, Myers and Reynolds.--6.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 953 were concurred in upon motion of Senator Nichols.

Senator Brecheen asked to coauthor **SB 953**, which was the order.

SB 953, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Nay: Eason McIntyre and Johnson (C).--2.

Excused: Anderson, Burrage, Laster, Myers and Reynolds.--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 969 were called up for consideration upon motion of Senator Newberry.

Senators Brinkley, Shortey and David asked to coauthor **SB 969**, which was the order.

Senator Newberry asked unanimous consent **SB 969** be laid over for this legislative day, which was the order.

SB 969 was laid over pending consideration of **HAs**.

Senator Marlatt presiding.

PENDING CONSIDERATION OF HAS

HAs to SB 704 were concurred in upon motion of Senator Johnson (Rob).

SB 704, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Aldridge, Burrage, Laster, Mazzei, Myers, Paddack and Reynolds.--7.

The bill passed.

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Brecheen asked unanimous consent to refer **SCR 19** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 19 by Brecheen and Ellis of the Senate and Roan of the House was called up for consideration.

SCR 19 was adopted upon motion of Senator Brecheen and referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SBs 11, 195, 200, 247, 264, 483, 487, 529, 614, 671, 761, 772, 798 and 878 were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

SCs NAMED

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

SB 821 – Bingman, Schulz, Jolley, Marlatt, Burrage, Rice

SB 738 – Schulz, Branan, Marlatt, Justice, Barrington, Ballenger, Burrage

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HB 1954 – remove conferees and name 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 1079 – Jolley, Branan, Myers, Marlatt, Burrage, Eason McIntyre

HB 1086 – Jolley, Aldridge, Myers, Nichols, Rice, Garrison

HB 1231 - GCCA

HB 1284 - GCCA

HB 1285 - GCCA

HB 1464 – Sykes, Jolley, Treat, Stanislawski, Ivester, Ellis

HB 1465 – Jolley, Ford, Stanislawski, Nichols, Eason McIntyre, Paddack

HB 1512 - GCCA

HB 1917 – Stanislawski, Ford, Fields, Halligan, Garrison, Paddack

HB 2115 - GCCA

HB 2145 – Bingman, Schulz, Jolley, Marlatt, Burrage, Rice

HB 2156 – Jolley, Johnson (Rob), Nichols, Holt, Burrage, Laster

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 1615**.

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

Advising concurrence in SAs to and passage of Engrossed **HBs 1034, 1355, 1556, 1575, 1586, 1598, 1665, 1692, 1957, 1970 and 2049**.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 5, 2011, at 9:30 a.m., which motion prevailed.

MESSAGE FROM THE GOVERNOR

Advising her approval May 4, 2011, of Enrolled **SB 346**.

Pursuant to the Schulz motion, the Senate adjourned at 4:00 p.m. to meet Thursday, May 5, 2011, at 9:30 a.m.

JOURNAL CORRECTION

Page 1057, Line 2, delete all language and insert: “**HB 1527** was properly signed and ordered returned to the Honorable House.”