

Senate Journal

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

Forty-fifth Legislative Day, Monday, May 2, 2011

The Senate was called to order by President Pro Tempore Bingman.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—43.

Excused: Adelson, Holt, Laster, Reynolds and Russell.—5.

President Pro Tempore Bingman declared a quorum present.

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

Senator David presiding.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1232, 1446, 1488, 1603, 1943, 1953 and 2140 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 532 and 563 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Halligan asked unanimous consent to refer **SCR 16** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 16 by Halligan of the Senate and Denney of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 16**, which was the order.

SCR 16 was adopted upon motion of Senator Halligan and referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 214** were concurred in upon motion of Senator Burrage.

SB 214, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Mazzei, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Eason McIntyre, Holt, Laster, Marlatt, Myers, Reynolds and Russell.--8.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 527** were concurred in upon motion of Senator Crain.

SB 527, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Mazzei, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--38.

Excused: Adelson, Brecheen, Eason McIntyre, Holt, Laster, Marlatt, Myers, Reynolds, Russell and Wilson.--10.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 943 were concurred in upon motion of Senator Anderson.

SB 943, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (R), Jolley, Justice, Lerblance, Mazzei, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--38.

Excused: Adelson, Eason McIntyre, Holt, Johnson (C), Laster, Marlatt, Myers, Reynolds, Russell and Wilson.--10.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SBs were rejected upon motion of Senator Schulz, conference and Senate conferees to be named later:

- SB 13**
- SB 96**
- SB 122**
- SB 123**
- SB 132**
- SB 154**
- SB 261**
- SB 728**
- SB 729**

SB 730
SB 732
SB 733
SB 738

PENDING CONSIDERATION OF HAS

HAs to **SB 206** were concurred in upon motion of Senator Ford.

SB 206, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (R), Jolley, Justice, Lerblance, Mazzei, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--38.

Excused: Adelson, Eason McIntyre, Holt, Johnson (C), Laster, Marlatt, Myers, Reynolds, Russell and Wilson.--10.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 256** were concurred in upon motion of Senator Ford.

SB 256, 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, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Fields, Ford, Halligan, Johnson (R), Jolley, Justice, Mazzei, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--30.

Nay: Ballenger, Bass, Ellis, Garrison, Ivester, Lerblance, Sparks and Wyrick.--8.

Excused: Adelson, Eason McIntyre, Holt, Johnson (C), Laster, Marlatt, Myers, Reynolds, Russell and Wilson.--10.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 445 were concurred in upon motion of Senator Ford.

SB 445, 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, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Fields, Ford, Halligan, Johnson (R), Jolley, Justice, Mazzei, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--30.

Nay: Ballenger, Bass, Ellis, Garrison, Ivester, Lerblance, Sparks and Wyrick.--8.

Excused: Adelson, Eason McIntyre, Holt, Johnson (C), Laster, Marlatt, Myers, Reynolds, Russell and Wilson.--10.

The bill passed.

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

FIRST READING

The following were introduced and read the first time:

SCR 18 – By Halligan of the Senate and Williams, Denney and Casey of the House.
A Concurrent Resolution commending Renae Perry for her accomplishments and being named the state winner of the Poetry Out Loud competition; and directing distribution.

SCR 19 – By Brecheen and Ellis of the Senate and Roan of the House.
A Concurrent Resolution expressing condolences with respect to those killed or injured in the Tushka tornado; and expressing gratitude to all who assisted victims in the aftermath.

SR 22 – By Newberry.
A Resolution honoring Oklahoma Highway Patrol Captain George Green; mourning his loss; and directing distribution.

SR 23 – By Rice and Bingman.

A Resolution expressing appreciation to all whose efforts resulted in the defeat of Osama bin Laden, and all who continue to strive for justice and peace.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Rice asked unanimous consent to refer **SR 23** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 23 by Rice and Bingman was called up for consideration.

All other members of the Senate asked to coauthor **SR 23**, which was the order.

SR 23 was adopted upon motion of Senator Rice and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Newberry asked unanimous consent to refer **SR 22** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 22 by Newberry was called up for consideration.

All other members of the Senate asked to coauthor **SR 22**, which was the order.

SR 22 was adopted upon motion of Senator Newberry and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SB 180** were concurred in upon motion of Senator Paddack.

SB 180, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry,

Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wyrick.--38.

Excused: Adelson, Eason McIntyre, Holt, Johnson (C), Laster, Myers, Reynolds, Rice, Russell and Wilson.--10.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 346 were concurred in upon motion of Senator Jolley.

SB 346, 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, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Halligan, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--28.

Nay: Ballenger, Bass, Burrage, Ellis, Garrison, Ivester, Lerblance, Paddack, Rice, Sparks, Wilson and Wyrick.--12.

Excused: Adelson, Eason McIntyre, Holt, Johnson (C), Laster, Myers, Reynolds and Russell.--8.

The bill passed.

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

MESSAGES FROM THE HOUSE

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

SB 105 - GCCA

SB 110 - Conference Committee on Natural Resources

SB 169 - GCCA

SB 175 - GCCA

SB 673 - Conference Committee on Health and Human Services

SB 854 - Conference Committee on Health and Human Services

Advising passage of and returning the following Engrossed bills:

SB 446**SB 857**

SJR 15 - Remove Jackson and substitute Osborn as principal House author, coauthored by Jackson, Trebilcock, Bennett, Grau, Faught, Ritze, Derby and McCullough

The above-numbered measures were referred for enrollment.

CONFERENCE COMMITTEE APPOINTMENTS – GCCA

President Pro Tempore Bingman announced the appointment of the following Senators as conferees on the General Conference Committee on Appropriations:

GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS

Myers, Chair
Jolley, Vice-Chair

| | |
|-----------|--------------|
| Ballenger | Mazzei |
| Branan | Newberry |
| Brinkley | Nichols |
| Burrage | Paddack |
| Crain | Rice |
| Ford | Stanislowski |
| Halligan | Sykes |
| Ivester | Wilson |
| Justice | Wyrick |
| Marlatt | |

EXECUTIVE NOMINATIONS

The following executive nominations were read and referred to committee as indicated:

Harlow, Rhonda, Enid, as a member of the State Textbook Committee - Education

Jett, Karl R., Laverne, as a member of the Oklahoma Conservation Commission - Energy

Moazami, Masoud, Tulsa, as a member of the Board of Regents for Tulsa Community College - Education

Shea, Larry S., Wellston, as a member of the Oklahoma Construction Industries Board
- Business and Commerce

**MESSAGE FROM THE HOUSE
HAS TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

SB 56 - (emergency failed)

SB 82

SB 91 - coauthored by Bennett, Ritze, Derby and Faught

SB 138 - coauthored by Vaughn, Scott, Roan, Ritze, Walker, Condit and Kirby

SB 201

SB 248 - (emergency failed), Remove David and substitute Justice as principal Senate author, coauthored by David of the Senate, Roberts (Sean), Hardin and Faught of the House

SB 250 - coauthored by Hilliard, Cockroft, McAffrey, Tibbs, Cox, Condit, Ritze, Scott, Sherrer, Roan and Hoskin

SB 251 - coauthored by Dorman, Roberts (Dustin), Ritze, Moore, Nollan and Kern

SB 264

SB 377

SB 483 - coauthored by Bennett, Scott and Dank

SB 529 - coauthored by Cockroft, Sanders, Bennett and Scott

SB 597 - coauthored by Ownbey, Hilliard, Roan, Roberts (Dustin), Hardin, Farley, Moore and Billy

SB 610 - (emergency failed), coauthored by Pittman

SB 614

SB 671 - coauthored by Cooksey and Roan

SB 722 - (emergency failed), coauthored by Newell, Trebilcock, Ritze and Derby

SB 867 - Remove Murphey and substitute Derby as principal House author; coauthored by Murphey

SB 953

SB 954 - (emergency failed), coauthored by Roan

SB 969 - (emergency failed), coauthored by Richardson, Shumate, Wright, Billy, Ortega, Newell, Hickman, Kern, Jackson, Brumbaugh, Derby, Holland, Hall, Hamilton, Nelson and Cooksey of the House and Eason McIntyre of the Senate

House amendments were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1998** and **2004**.

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 **SBs 532** and **563**.

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

Advising that the Speaker announced the appointment of the following House Members as conferees on the General Conference Committee on Appropriations.

Speaker Steele is an ex-officio Member of the General Conference Committee on Appropriations

General Conference Committee on Appropriations

Sears, Chair

Martin (Scott), Vice-Chair

| | |
|-----------|----------|
| Armes | Dorman |
| Billy | Hoskin |
| Blackwell | Liebmann |
| Brown | McPeak |
| Cox | Peters |
| Dank | Sullivan |
| Denney | Walker |
| DeWitt | |

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

HB 1079 - Conference Committee on Natural Resources
HB 1086 - Conference Committee on Government Modernization and Rules
HB 1207 - Conference Committee on Government Modernization and Rules
HB 1225 - Conference Committee on Government Modernization and Rules
HB 1229 - Conference Committee on Public Safety, Judiciary and Military Affairs
HB 1304 - Conference Committee on Government Modernization and Rules
HB 1361 - Conference Committee on Public Safety, Judiciary and Military Affairs
HB 1418 - GCCA
HB 1464 - Conference Committee on Public Safety, Judiciary and Military Affairs
HB 1465 - Conference Committee on Education
HB 1468 - Conference Committee on Government Modernization and Rules
HB 1475 - GCCA
HB 1601 - Conference Committee on Government Modernization and Rules
HB 1655 - Conference Committee on Health and Human Services
HB 1676 - GCCA
HB 1743 - Conference Committee on Public Safety, Judiciary and Military Affairs

HB 1917 - Conference Committee on Education

HB 2156 - Conference Committee on Government Modernization and Rules

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1051, 1267, 1347, 1456, 1648** and **2033**.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 3, 2011, at 9:30 a.m., which motion prevailed.

SECOND READING

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

HJR 1045 – Direct To Calendar

SB 971 – Joint Committee on Appropriations and Budget

MESSAGE FROM THE GOVERNOR

Advising her approval April 29, 2011, of Enrolled **SBs 126, 328, 577, 584** and **828** and on May 2, 2011, of Enrolled **SBs 38, 45, 270, 304, 417, 499, 587, 664, 789** and **885**.

Advising her veto May 2, 2011, of Enrolled **SB 241**.

The veto message reads as follows:

May 2, 2011

To the Honorable President Pro Tempore
and Members of the Oklahoma Senate
First Session of the Fifty Third Oklahoma Legislature

ENROLLED SB 241

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 241. This bill is substantively identical to House Bill 1060 which I signed into law on April 18, 2011. House Bill 1060 contained an emergency

clause making it effective July 1, 2011. Senate Bill 241 does not contain an emergency clause. In order to avoid unnecessary duplication and to avoid a conflict regarding the effective date of legislation, I am vetoing this bill.

By the Governor of the State of Oklahoma
/s/Mary Fallin

Pursuant to the Schulz motion, the Senate adjourned at 2:45 p.m. to meet Tuesday, May 3, 2011, at 9:30 a.m.