

# Senate Journal

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

**Forty-eighth Legislative Day, Thursday, May 5, 2011**

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, 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, Brown, Laster, Reynolds and Russell.—5.

Senator Stanislawski 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

**SCR 19** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**SBs 19, 82, 536, 701, 704, 780, 928, 953 and 954** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### PENDING CONSIDERATION OF HAS

**HAs to SB 844** were concurred in upon motion of Senator Anderson.

**SB 844**, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brinkley, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Schulz, Simpson, Sparks, Stanislawski, Wilson and Wyrick.--33.

Nay: Aldridge, Brecheen, Ivester, Mazzei, Shortey and Sykes.--6.

Excused: Adelson, Brown, Holt, Johnson (C), Laster, Myers, Reynolds, Russell and Treat.--9.

The bill passed.

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

#### **PENDING CONSIDERATION OF HAs**

**HAs to SB 815** were concurred in upon motion of Senator Anderson.

**SB 815**, 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, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--38.

Excused: Adelson, Brown, Holt, Johnson (C), Laster, Mazzei, Myers, Reynolds, Russell and Treat.--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 494** were called up for consideration upon motion of Senator Barrington.

Senator Barrington asked unanimous consent **SB 494** be laid over temporarily, which was the order.

**SB 494** was laid over pending consideration of **HAs**.

#### **PENDING CONSIDERATION OF HAs**

**HAs** to **SB 10** were concurred in upon motion of Senator Aldridge.

**SB 10**, 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, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Sykes, Wilson and Wyrick.--38.

Nay: Stanislawski.--1.

Excused: Adelson, Brown, Johnson (C), Laster, Mazzei, Myers, Reynolds, Russell and Treat.--9.

The bill passed.

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

#### **EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committees named:

Fields, Michael J., Enid, to the Oklahoma State Bureau of Investigation Commission, to serve an unexpired term ending July 1, 2013, succeeding Rob Hudson. (Judiciary Committee) Motion to confirm made by Senator Patrick Anderson.

Ford, Danny, Lawton, to the Oklahoma State Bureau of Investigation Commission, to serve an unexpired term ending July 1, 2014, succeeding Mickey Perry. (Judiciary Committee) Motion to confirm made by Senator Don Barrington.

Kunze, Janet, Oklahoma City, to the Environmental Quality Board, to serve a five year term ending January 31, 2016, succeeding Richard Wuerflein. (Energy Committee) Motion to confirm made by Senator Andrew Rice.

Lochridge, Timothy David, Sulphur, to the Oklahoma Mining Commission, to serve a seven year term ending January 1, 2018, succeeding himself. (Energy Committee) Motion to confirm made by Senator Mike Schulz on behalf of Senator Frank Simpson.

Mason, G. Stephen, Jr., Oklahoma City, to the Environmental Quality Board, to serve a five year term ending January 31, 2016, succeeding himself. (Energy Committee) Motion to confirm made by Senator Cliff Branan.

Robbins, R. Dan, Altus, to the Oklahoma Wildlife Conservation Commission, to serve an eight year term ending July 1, 2019, succeeding Mart Tisdale. (Tourism and Wildlife Committee) Motion to confirm made by Senator Mike Schulz.

Motions to confirm the above-named executive nominations were declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--39.

Excused: Adelson, Brown, Johnson (C), Laster, Mazzei, Myers, Reynolds, Russell and Treat.--9.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 494** were concurred in upon motion of Senator Barrington.

**SB 494**, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--37.

Excused: Adelson, Aldridge, Brown, Eason McIntyre, Johnson (C), Laster, Mazzei, Myers, Reynolds, Russell and Treat.--11.

The bill passed.

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

**PENDING CONSIDERATION OF HAs**

**HAs to SB 567** were concurred in upon motion of Senator Anderson.

**SB 567**, 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, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--39.

Excused: Adelson, Brown, Johnson (C), Laster, Mazzei, Myers, Reynolds, Russell and Treat.--9.

The bill passed.

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

**PENDING CONSIDERATION OF HAs**

**HAs to SB 684** were concurred in upon motion of Senator Sykes.

**SB 684**, 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, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--40.

Excused: Adelson, Brown, Johnson (C), Laster, Myers, Reynolds, Russell and Treat.--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 919** were concurred in upon motion of Senator Sykes.

Senator Ivester asked to coauthor **SB 919**, which was the order.

**SB 919**, 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, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Schulz, Shortey, Simpson, Sparks, Stanislawski and Sykes.--35.

Nay: Ballenger, Eason McIntyre, Rice and Wilson.--4.

Excused: Adelson, Brown, Johnson (C), Laster, Myers, Reynolds, Russell, Treat and Wyrick.--9.

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**, considered on Page 1069, were concurred in upon motion of Senator Newberry.

**SB 969**, 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, Coates, Crain, David, Eason McIntyre, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Shortey, Simpson, Stanislawski, Sykes and Treat.--28.

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

Excused: Adelson, Brown, Johnson (C), Laster, Myers, Reynolds, Russell and Wyrick.--8.

The bill passed.

Pursuant to Rule 12-21, Senator Newberry served notice that the vote be reconsidered whereby **SB 969** passed.

#### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 216** were concurred in upon motion of Senator Paddack.

**SB 216**, 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, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--39.

Excused: Adelson, Ballenger, Brown, Johnson (C), Laster, Myers, Reynolds, Russell and Wyrick.--9.

The bill passed.

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

#### **EXECUTIVE NOMINATIONS**

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

Kouri, Harry J. "Trey", III, Oklahoma City, as a member of the Alcoholic Beverage Laws Enforcement Commission - Judiciary

Meyers, Karl L., Warner, as a member of the State Board of Career and Technology Education - Education

Mullins, Dan, Lawton, as a member of the Oklahoma Motor Vehicle Commission - Business and Commerce

Noble, Russell B., Ardmore, as a member of the Oklahoma State Bureau of Investigation Commission - Judiciary

Samis, Mike, Oklahoma City, as a member of the University Hospitals Authority - Health and Human Services

**PENDING CONSIDERATION OF HAS**

**HAs to SBs 218, 232, 250, 750 and 935** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 408** were concurred in upon motion of Senator Paddack.

**SB 408**, 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, Anderson, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, Crain, Eason McIntyre, Fields, Ford, Halligan, Johnson (R), Marlatt, Mazzei, Newberry, Paddack, Rice, Schulz, Sparks, Stanislawski, Sykes and Treat.--26.

Nay: Allen, David, Ellis, Garrison, Holt, Ivester, Justice, Lerblance, Shortey, Simpson and Wilson.--11.

Excused: Adelson, Ballenger, Brown, Johnson (C), Jolley, Laster, Myers, Nichols, Reynolds, Russell and Wyrick.--11.

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 91** - Conference Committee on Government Modernization and Rules

**SB 96** - Conference Committee on Insurance and Economic Development

**SB 132** - GCCA

**SB 201** - Conference Committee on Public Safety, Judiciary and Military Affairs

**SB 278** - GCCA

**SB 280** - Conference Committee on Education

**SB 709** - Conference Committee on Government Modernization and Rules

**SB 782** - Conference Committee on Insurance and Economic Development

**SB 867** - Conference Committee on Government Modernization and Rules

Advising fourth reading of and transmitting for signature Enrolled **HBs 1034, 1355, 1556, 1575, 1586, 1598, 1665, 1692, 1957, 1970 and 2049.**

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

Advising passage of and transmitting for consideration Engrossed **HCR 1013.**

**HCR 1013** – By Trebilcock of the House and Jolley of the Senate.

A Concurrent Resolution endorsing the proposition that Taiwan join the United States Visa Waiver Program; and directing distribution.

The above-numbered measure was read the first time.

Advising fourth reading of and returning Enrolled **SBs 19, 82, 536, 701, 704, 780, 928, 953 and 954.**

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

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1607, 1658 and 2131.**

#### **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 1062** – Brecheen, Brown, Mazzei, Stanislawski, Adelson, Sparks

**HB 1202** – GCCA

**HB 1243** – Brown, Brecheen, Aldridge, Stanislawski, Bass, Sparks

**HB 1319** – Sykes, Schulz, Branam, Brecheen, Ellis, Bass

**HB 1343** – GCCA

**HB 1361** – GCCA

**HB 1388** – GCCA

**HB 1488** – GCCA

**HB 1603** – Anderson, Sykes, Russell, Nichols, Ivester, Garrison

**HB 1652** – Russell, Johnson (Rob), Sykes, Halligan, Ballenger, Eason McIntyre

**HB 1750** – Jolley, Johnson (Rob), Nichols, Holt, Burrage, Laster

**HB 1831** – Aldridge, Newberry, Holt, Brown, Ballenger, Sparks

**HB 1852** – GCCA

**HB 1903** – GCCA

**HB 1953** – GCCA

**HB 1995** – Sykes, Jolley, Holt, Johnson (Rob), Rice, Wilson

**HB 2072** – Brown, Brecheen, Aldridge, Stanislawski, Bass, Sparks

**HB 2075** – Brown, Brecheen, Aldridge, Stanislawski, Bass, Sparks

**HB 2121** – GCCA

**HB 2140** – GCCA

### **SCs NAMED**

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

**SB 91** – Brinkley, Johnson (Rob), David, Holt, Rice, Burrage

**SB 96** – Coates, Aldridge, Brown, Sparks, Ellis, Brecheen

**SB 201** – GCCA

**SB 247** – David, Johnson (Rob), Brinkley, Crain, Eason McIntyre, Burrage

**SB 278** – GCCA

**SB 709** – GCCA

**SB 782** – Mazzei, Brown, Anderson, Crain, Paddack, Burrage

**SB 867** – GCCA

### **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 267** – remove conferees and name GCCA

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, May 9, 2011, at 1:30 p.m., which motion prevailed.

Pursuant to the Schulz motion, the Senate adjourned at 11:10 a.m. to meet Monday, May 9, 2011, at 1:30 p.m.