

Senate Journal

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

Fifty-first Legislative Day, Wednesday, May 11, 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 Dr. John Mayshack, Sr., Retired, Oklahoma City, the guest of Senator Johnson (Constance).

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 2, 11, 60, 200, 239, 252, 285, 299, 420, 668, 679 and 756 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 891 were concurred in upon motion of Senator Mazzei.

SB 891, 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, Branan, Brecheen, Brinkley, Brown, Burrage, Crain, David, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley,

Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Treat and Wilson.--37.

Nay: Adelson, Ballenger, Bass, Eason McIntyre, Ellis, Johnson (C), Rice and Wyrick.--8.

Excused: Bingman, Coates and Sykes.--3.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 593 were concurred in upon motion of Senator Brinkley.

SB 593, 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, Burrage, 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, Treat, Wilson and Wyrick.--45.

Excused: Aldridge, Coates and Sykes.--3.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 731 were concurred in upon motion of Senator Myers.

SB 731, 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, Crain, David, Eason McIntyre, Ellis, Fields,

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

Excused: Coates, Marlatt and Sykes.--3.

The bill passed.

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Halligan asked unanimous consent to refer **SCR 18** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 18 by Halligan of the Senate and Williams et al of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 18**, which was the order.

SCR 18 was adopted upon motion of Senator Halligan and referred for engrossment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Schulz asked unanimous consent to refer **SR 24** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 24 by Schulz was called up for consideration.

SR 24 was adopted upon motion of Senator Schulz and referred for enrollment.

MESSAGES FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1018**.

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

Advising fourth reading of and transmitting for signature Enrolled **HB 2136**.

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

Advising fourth reading of and returning Enrolled **SBs 2, 11, 60, 200, 239, 252, 285, 299, 420, 668, 679** and **756**.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 521** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HB 1464 – remove Sykes, Jolley, Treat, Stanislawski, Ivester, Ellis; and add GCCA

Senator Schulz moved that the Senate recess to the call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator Sykes presiding.

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

PENDING CONSIDERATION OF HAS

HAs to SB 571 were concurred in upon motion of Senator Jolley.

SB 571, 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, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--42.

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

Excused: Aldridge, Laster, Mazzei and Wyrick.--4.

The bill passed.

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

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1917 - (emergency failed)

HB 1918 - (emergency failed)

Conference committee reports were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

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

SB 115 - Conference Committee on Government Modernization and Rules

SB 194 - Conference Committee on Insurance and Economic Development

SB 242 - Conference Committee on Natural Resources

SB 243 - Conference Committee on Natural Resources

SB 260 - GCCA

SB 272 - Conference Committee on Public Safety, Judiciary and Military Affairs
SB 335 - Conference Committee on Natural Resources
SB 398 - Conference Committee on Public Safety, Judiciary and Military Affairs
SB 407 - Conference Committee on Insurance and Economic Development
SB 492 - Conference Committee on Health and Human Services
SB 510 - Conference Committee on Health and Human Services
SB 740 - Conference Committee on Public Safety, Judiciary and Military Affairs
SB 852 - Conference Committee on Public Safety, Judiciary and Military Affairs
SB 929 - Conference Committee on Government Modernization and Rules
SB 959 - Conference Committee on Insurance and Economic Development
SJR 16 - Conference Committee on Government Modernization and Rules

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1232** and **1381**.

PENDING CONSIDERATION OF HAS

HAs to **SB 574** were concurred in upon motion of Senator Jolley.

Senators Schulz, Sykes and Shortey and Representatives Sanders and Shannon asked to coauthor **SB 574**, which was the order.

SB 574, 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, 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, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Aldridge, Laster and Mazzei.--3.

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 902** were concurred in upon motion of Senator Marlatt.

SB 902, 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, 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, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Aldridge and Laster.--2.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 629 were concurred in upon motion of Senator Jolley.

Senators Sparks and Shortey asked to coauthor **SB 629**, which was the order.

SB 629, 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, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--44.

Excused: Aldridge, Laster, Mazzei and Wyrick.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 674 were concurred in upon motion of Senator Jolley.

SB 674, 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, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--44.

Excused: Aldridge, Laster, Mazzei and Wyrick.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 763 were concurred in upon motion of Senator Jolley.

Senator Shortey asked to coauthor **SB 763**, which was the order.

SB 763, 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, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--43.

Nay: Johnson (C) and Wilson.--2.

Excused: Aldridge, Laster and Wyrick.--3.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 837 were concurred in upon motion of Senator Jolley.

Senators Sykes and Shortey asked to coauthor **SB 837**, which was the order.

SB 837, 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, Bingman, Branan, Brecheen, Brinkley, Brown, 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, Reynolds, Russell, Schulz, Shortey, Sparks, Stanislawski, Sykes and Treat.--41.

Nay: Rice and Wilson.--2.

Excused: Aldridge, Ballenger, Laster, Simpson and Wyrick.--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 658 were concurred in upon motion of Senator Jolley.

Senator Rice asked to coauthor **SB 658**, which was the order.

SB 658, as amended by the Honorable House, was read at length.

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

Aye: Bass, Bingman, Branan, Brinkley, Burrage, Coates, David, Eason McIntyre, Ford, Halligan, Holt, Ivester, Johnson (R), Jolley, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Treat and Wilson.--27.

Nay: Allen, Anderson, Barrington, Brecheen, Brown, Crain, Ellis, Fields, Garrison, Johnson (C), Justice, Myers, Shortey, Stanislawski and Sykes.--15.

Excused: Adelson, Aldridge, Ballenger, Laster, Simpson and Wyrick.--6.

The Chair advised that Senator Adelson, having been present in the Chamber during the vote on **SB 658** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 27; Nay: 16; Excused: 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 722 were concurred in upon motion of Senator Jolley.

SB 722, 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, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Schulz, Simpson, Stanislawski and Treat.--25.

Nay: Adelson, Anderson, Ballenger, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Lerblance, Mazzei, Paddack, Reynolds, Rice, Russell, Shortey, Sparks, Sykes and Wilson.--20.

Excused: Aldridge, Laster and Wyrick.--3.

The bill passed.

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

MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORTS

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1322

HB 1489

Conference committee reports were read on the above-numbered bills.

PENDING CONSIDERATION OF HAs

HAs to SB 248 were concurred in upon motion of Senator Justice.

Senator Brecheen asked to coauthor **SB 248**, which was the order.

SB 248, 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, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--42.

Excused: Aldridge, Bingman, Laster, Mazzei, Wilson and Wyrick.--6.

The bill passed.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1321** was adopted upon motion of Senator Justice.

Senators Fields and Shortey and Representative Cooksey asked to coauthor **HB 1321**, which was the order.

HB 1321, as amended in conference, 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, Burrage, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--41.

Excused: Aldridge, Brown, Coates, Laster, Mazzei, Wilson and Wyrick.--7.

The bill passed.

HB 1321, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 12, 2011, at 10:00 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SB 972 – By Myers and Jolley of the Senate and Sears and Martin (Scott) of the House.

An Act relating to gross production tax; amending 68 O.S. 2001, Section 1004, as last amended by Section 4, Chapter 256, O.S.L. 2010 (68 O.S. Supp. 2010, Section 1004), which relates to apportionment of revenue; providing for deposit of specified amounts in certain funds for specified fiscal year; and declaring an emergency.

SB 973 – By Myers and Jolley of the Senate and Sears and Martin (Scott) of the House.

An Act relating to public finance; directing transfer of certain funds by certain entities and officers; specifying certain amount; providing an effective date; and declaring an emergency.

SB 974 – By Myers and Jolley of the Senate and Sears and Martin (Scott) of the House.

An Act relating to the State Department of Rehabilitation Services; authorizing certain early transfers of certain funds for specific purposes; authorizing transfer of appropriated money in requested amounts and ratios; authorizing certain interyear transfers; requiring certain process and maintenance of records; providing an effective date; and declaring an emergency.

SB 975 – By Myers and Jolley of the Senate and Sears and Martin (Scott) of the House.

An Act relating to the Oklahoma Health Care Authority; authorizing transfers of certain funds; providing procedures; authorizing the expenditure of previously appropriated funds for certain purpose; requiring recordkeeping; authorizing certain requests relating to early transfers; providing an effective date; and declaring an emergency.

SB 976 – By Myers and Jolley of the Senate and Sears and Martin (Scott) of the House.

An Act relating to road funding; amending Section 1, Chapter 444, O.S.L. 2005, as last amended by Section 1, Chapter 422, O.S.L. 2010 (69 O.S. Supp. 2010, Section 1521), which relates to the Rebuilding Oklahoma Access and Driver Safety Fund; deleting obsolete language; increasing certain amounts to be apportioned to Fund; providing an effective date; and declaring an emergency.

SB 977 – By Myers and Jolley of the Senate and Sears and Martin (Scott) of the House.

An Act relating to the Corporation Commission; setting budget for certain division; providing an effective date; and declaring an emergency.

SB 978 – By Myers and Jolley of the Senate and Sears and Martin (Scott) of the House.

An Act relating to teacher professional development; amending 70 O.S. 2001, Section 6-200, as last amended by Section 1, Chapter 94, O.S.L. 2009 (70 O.S. Supp. 2010, Section 6-200), which relates to professional development institutes; giving the State Department of Education certain authority; transferring certain duties and powers from the Oklahoma Commission for Teacher Preparation to the State Department of Education; authorizing the State Department of Education to enter into certain contracts; and declaring an emergency.

SB 979 – By Myers and Jolley of the Senate and Sears and Martin (Scott) of the House.

An Act relating to state government; amending Section 2, Chapter 463, O.S.L. 2004, as last amended by Section 1, Chapter 430, O.S.L. 2010 (74 O.S. Supp. 2010, Section 3601.2), which relates to chief executive officer salaries; updating year; removing certain entities from chief executive officer salary listing; providing an effective date; and declaring an emergency.

SB 980 – By Myers and Jolley of the Senate and Sears and Martin (Scott) of the House.

An Act relating to the American Indian Cultural Center and Museum; authorizing the Oklahoma Capitol Improvement Authority to issue obligations for the cultural center and museum for the Native American Cultural and Educational Authority; stating purpose; providing for transfer of title upon occurrence of certain events; authorizing the borrowing of money for certain purposes; stating legislative intent; providing for payment of certain fees and costs; authorizing procedure for issuance and hiring of certain professionals; authorizing certain agreements; limiting maturity of certain obligations; providing for use of certain interest earnings; exempting certain obligations, transfers, and interest from taxation; providing for investment and oversight; providing conditions and restrictions to the authority to issue obligations; requiring verification of certain monies; providing certain restrictions on use of state appropriations; providing for principal and interest requirements until certain date; clarifying status of obligations; prohibiting certain further financing and funding; providing for codification; and declaring an emergency.

SB 981 – By Myers and Jolley of the Senate and Sears and Martin (Scott) of the House.

An Act relating to the University Hospitals Authority; requiring transfers of certain funds; requiring certain funds be used for certain programs; providing an effective date; and declaring an emergency.

MESSAGE FROM THE GOVERNOR

Advising her approval May 11, 2011, of Enrolled **SBs 19, 82, 536, 701, 704, 780, 928, 953 and 954.**

Pursuant to the Schulz motion, the Senate adjourned at 3:25 p.m. to meet Thursday, May 12, 2011, at 10:00 a.m.

JOURNAL CORRECTION

Page 1102, line 10, delete “**SB 570**” and insert “**SB 510**”