Senate Journal

First Regular Session of the Fifty-third Legislature
of the State of Oklahoma
Fifty-second Legislative Day, Thursday, May 12, 2011

The Senate was called to order by Senator Stanislawski.

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, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—47.

Excused: Laster.—1.

Senator Stanislawski 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

SCR 18 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 248, 571, 574, 593, 629, 658, 674, 722, 731, 763, 837, 891 and **902** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 24 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

INTRODUCTIONS

Senator Brinkley introduced former Senator Bob Shatwell; and Senator Ballenger introduced his wife, Cimone, to the Senate.

PENDING CONSIDERATION OF HAs

HAs to **SB 788** were concurred in upon motion of Senator Barrington.

SB 788, 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, 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, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Bingman, Branan, Laster, Mazzei and Russell.--5.

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 363** were concurred in upon motion of Senator Shortey.

SB 363, 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, 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, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Laster, Mazzei and Russell.--4.

The bill passed.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 854** was adopted upon motion of Senator Halligan.

SB 854, as amended in conference, 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, 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, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Laster, Mazzei and Russell.--4.

The bill passed.

SB 854, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF HAs

HAs to **SB 623** were concurred in upon motion of Senator Aldridge.

SB 623, 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, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Bingman, Laster, Mazzei, Nichols and Russell.--5.

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 778** were called up for consideration upon motion of Senator Aldridge.

Senator Aldridge asked unanimous consent **SB 969** be laid over temporarily, which was the order.

SB 778 was laid over pending consideration of **HAs**.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1232, 1234, 1321** and **1381**.

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 248, 571, 574, 593, 629, 658, 674, 722, 731, 763, 837, 891** and **902**.

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

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 1594 - (emergency failed)
HB 1854 - coauthored by Ritze
HB 2145

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

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 Marlatt presiding.

Senator Marlatt 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 778** were concurred in upon motion of Senator Aldridge.

SB 778, 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, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Ballenger, Bass, Eason McIntyre, Laster and Russell.--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 102** were concurred in upon motion of Senator Aldridge.

SB 102, 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, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Ballenger, Eason McIntyre, Laster and Russell.--4.

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 1489** was adopted upon motion of Senator Brown.

HB 1489, as amended in conference, was read 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, 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, Wilson and Wyrick.--43.

Excused: Ballenger, Eason McIntyre, Johnson (C), Laster and Mazzei.--5.

The Chair advised that Senator Johnson (Constance), having been present in the Chamber during the vote on **HB 1489** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 43; Nay: 1; Excused: 4.

The bill passed.

HB 1489, together with the conference committee report thereon, was ordered returned to the Honorable House.

INTRODUCTION

Senator Rice introduced his sons, Noah and Parker, to the Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1918** was adopted upon motion of Senator Ford.

HB 1918, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bingman, Branan, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Treat and Wyrick.--38.

Nay: Allen, Bass, Brecheen, Johnson (C), Marlatt, Sykes and Wilson.--7.

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

The bill passed.

HB 1918, together with the conference committee report thereon, was ordered returned to the Honorable House.

SCs NAMED

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

SB 115 – Ivester, Johnson (Rob), Sykes, Russell, Ballenger, Simpson
SB 194 – Myers, Brown, Anderson, Crain, Rice, Bass
SB 521 – Crain, Sykes, Anderson, Johnson (Rob), Laster, Burrage
SB 852 – GCCA
SJR 16 – GCCA

PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE

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

HB 1743 – Sykes, Newberry, Johnson (Rob), Simpson, Ivester, Ellis

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Friday, May 13, 2011, at 9:30 a.m., which motion prevailed.

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 821

SECOND READING

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

SB 972 – Joint Committee on Appropriations and Budget
SB 973 – Joint Committee on Appropriations and Budget
SB 974 – Joint Committee on Appropriations and Budget
SB 975 – Joint Committee on Appropriations and Budget

SB 976 – Joint Committee on Appropriations and Budget
SB 977 – Joint Committee on Appropriations and Budget
SB 978 – Joint Committee on Appropriations and Budget
SB 979 – Joint Committee on Appropriations and Budget
SB 980 – Joint Committee on Appropriations and Budget
SB 981 – Joint Committee on Appropriations and Budget

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

SB 972 – Joint Committee on Appropriations and Budget
Senate:
Ayes: Branan, Brinkley, Burrage, Ford, Justice, Marlatt, Newberry, Nichols, Paddack, Rice, Stanislawski, Sykes, Wilson, Wyrick, Jolley, Myers

House:
Ayes: Armes, Dank, Liebmann, Walker, Billy, Denney, Martin (Scott), Steele, Blackwell, DeWitt, Peters, Brown, Dorman, Sears, Cox, Hoskin, Sullivan

SB 973 – Joint Committee on Appropriations and Budget
Senate:
Ayes: Branan, Brinkley, Burrage, Ford, Halligan, Ivester, Justice, Marlatt, Newberry, Nichols, Paddack, Rice, Stanislawski, Sykes, Wilson, Wyrick, Jolley, Myers

House:
Ayes: Armes, Dank, Hoskin, Sears, Billy, Denney, Liebmann, Sullivan, Blackwell, DeWitt, Martin (Scott), Walker, Cox, Dorman, Peters, Steele
Nays: Brown

SB 974 – Joint Committee on Appropriations and Budget
Senate:
Ayes: Branan, Brinkley, Burrage, Crain, Ford, Halligan, Ivester, Justice, Marlatt, Newberry, Nichols, Paddack, Rice, Stanislawski, Sykes, Wilson, Wyrick, Jolley, Myers

House:
Ayes: Armes, Dank, Liebmann, Walker, Billy, Denney, Martin (Scott), Steele, Blackwell, DeWitt, Peters, Brown, Dorman, Sears, Cox, Hoskin, Sullivan

SB 975 – Joint Committee on Appropriations and Budget
Senate:
Ayes: Branan, Brinkley, Burrage, Ford, Halligan, Ivester, Justice, Marlatt, Newberry, Nichols, Paddack, Rice, Stanislawski, Sykes, Wilson, Wyrick, Jolley, Myers
Pass: Crain

House:
Ayes: Armes, Dank, Liebmann, Walker, Billy, Denney, Martin (Scott), Steele, Blackwell, DeWitt, Peters, Brown, Dorman, Sears, Cox, Hoskin, Sullivan

SB 976 – Joint Committee on Appropriations and Budget
Senate:
Ayes: Branan, Brinkley, Burrage, Crain, Ford, Halligan, Ivester, Justice, Marlatt, Newberry, Nichols, Paddack, Rice, Stanislawski, Sykes, Wilson, Wyrick, Jolley, Myers

House:
Ayes: Armes, Dank, Liebmann, Walker, Billy, Denney, Martin (Scott), Steele, Blackwell, DeWitt, Peters, Brown, Dorman, Sears, Cox, Hoskin, Sullivan

SB 977 – Joint Committee on Appropriations and Budget
Senate:
Ayes: Branan, Brinkley, Burrage, Crain, Ford, Halligan, Ivester, Justice, Marlatt, Newberry, Nichols, Paddack, Rice, Stanislawski, Sykes, Wilson, Wyrick, Jolley, Myers

House:
Ayes: Armes, Dank, Liebmann, Walker, Billy, Denney, Martin (Scott), Steele, Blackwell, DeWitt, Peters, Brown, Dorman, Sears, Cox, Hoskin, Sullivan

SB 980 – Joint Committee on Appropriations and Budget
Senate:
Ayes: Ballenger, Branan, Burrage, Ivester, Marlatt, Newberry, Nichols, Paddack, Rice, Stanislawski, Wilson, Wyrick, Jolley, Myers
Nays: Brinkley, Crain, Ford, Halligan, Justice, Sykes

House:
Ayes: Armes, Denney, Liebmann, Sullivan, Billy, Dorman, Peters, Walker, Brown, Hoskin, Sears, Steele
Nays: Cox, Dank, DeWitt, Martin (Scott)

SB 981 – Joint Committee on Appropriations and Budget
Senate:
Ayes: Branan, Brinkley, Crain, Ford, Halligan, Ivester, Justice, Marlatt, Newberry, Nichols, Sykes, Wilson, Wyrick, Jolley, Myers

House:
Ayes: Armes, Dank, Liebmann, Walker, Billy, Denney, Martin (Scott), Steele, Blackwell, DeWitt, Peters, Brown, Dorman, Sears, Cox, Hoskin, Sullivan

FAILED:

SB 979 – Joint Committee on Appropriations and Budget
Ayes: Burrage, Jolley
Nays: Ballenger, Branan, Brinkley, Crain, Ford, Halligan, Ivester, Justice, Marlatt, Newberry, Nichols, Paddack, Rice, Stanislawski, Sykes, Wilson, Wyrick, Myers

Pursuant to the Schulz motion, the Senate adjourned at 4:05 p.m. to meet Friday, May 13, 2011, at 9:30 a.m.

JOURNAL CORRECTION

Page 1111, 2nd Line from the bottom, insert as follows:

"Senators Allen and Shortey asked to coauthor **SB 674**, which was the order."