

Senate Journal

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

Forty-ninth Legislative Day, Monday, May 9, 2011

The Senate was called to order by Senator David.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, 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 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

SBs 10, 216, 408, 494, 567, 684, 815, 844 and 919 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

INTRODUCTION

Senator Newberry introduced his parents, Donald and Patricia Newberry, to the Senate.

ELECTRONIC BILL DISTRIBUTION

“Members, on April 26 the President Pro Tem sent an email to Senate members advising that he and the Speaker have established a Joint Conference Calendar pursuant to Joint Rule 8.2.

Under Joint Rule 8.2, all conference committee reports – including conference committee substitutes – are distributed electronically (by e-mail) to all members of the Senate and the House as soon as these measures are filed and posted on the Joint Conference Calendar. This brings an unprecedented level of openness to the conference committee process for members and for the public.

I have consulted with the honorable Minority Floor Leader, Senator Rice, and we agree that the electronic distribution of measures placed on the Joint Conference Calendar satisfy all of the bill distribution requirements contained in Senate Rule 5-6.

Therefore, pursuant to the specific requirements of Rule 5-6(B), I am hereby serving notice that **all conference committee substitutes to be considered by the Senate** will be distributed to you electronically on a legislative day prior to consideration via the Joint Conference Calendar distribution system.”

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1607, 1658 and 2131**.

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

PENDING CONSIDERATION OF HAS

HAs to SB 637 were concurred in upon motion of Senator Wyrick.

SB 637, 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, Bingman, Brecheen, Brinkley, Brown, Burrage, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (C), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes, Wilson and Wyrick.--37.

Nay: Bass, Branan, Coates, Holt, Johnson (R), Rice, Sparks and Treat.--8.

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

The bill and emergency passed.

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

GENERAL ORDER

HJR 1045 by Renegar and Bennett of the House and Wyrick of the Senate was called up for consideration.

Senator Wyrick moved that **HJR 1045** be advanced, which motion was declared adopted.

THIRD READING

HJR 1045 was read for the third time at length.

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

Aye: Adelson, Allen, Anderson, Ballenger, Barrington, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (C), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes, Wilson and Wyrick.--37.

Nay: Bass, Branam, Holt, Johnson (R), Rice, Sparks and Treat.--7.

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

The bill passed.

HJR 1045 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SB 965** were concurred in upon motion of Senator Brown.

SB 965, 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, Branam, 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 541 were concurred in upon motion of Senator Sykes.

SB 541, 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, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Justice, Lerblance, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.-39.

Nay: Ballenger, Eason McIntyre, Johnson (C), Wilson and Wyrick.--5.

Excused: Aldridge, Jolley, Laster and Marlatt.--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 347 were concurred in upon motion of Senator Mazzei.

Senators Shortey and Allen asked to coauthor **SB 347**, which was the order.

SB 347, 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), Justice, Lerblance, Mazzei, Myers,

Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Nay: Johnson (C).--1.

Excused: Aldridge, Jolley, Laster and Marlatt.--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 377** were concurred in upon motion of Senator Mazzei.

SB 377, 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, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Justice, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--29.

Nay: Adelson, Ballenger, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Lerblance, Paddack, Rice, Sparks, Wilson and Wyrick.--15.

Excused: Aldridge, Jolley, Laster and Marlatt.--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 794** were concurred in upon motion of Senator Mazzei.

Senators Allen and Brinkley asked to coauthor **SB 794**, which was the order.

SB 794, 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, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--31.

Nay: Adelson, Ballenger, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Lerblance, Paddack, Wilson and Wyrick.--13.

Excused: Aldridge, Laster, Reynolds and Rice.--4.

The bill passed.

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

MOTION TO RECONSIDER VOTE

Senator Newberry moved to reconsider the vote whereby **SB 969** passed.

Senator Schulz moved to table the Newberry motion whereby **SB 969** passed, which motion was declared adopted.

SB 969 was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SBs 194, 272, 398, 407, 492, 510, 740 and 959 were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SCR 16

SCR 19 - coauthored by all other Representatives

The above-numbered measures were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 10, 216, 408, 494, 567, 684, 815, 844 and 919**.

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

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORT**

Transmitting the following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

HB 1321

Conference committee report was read on the above-numbered bill.

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 154 – remove GCCA and name Mazzei, Brinkley, Ford, David, Wilson, Ballenger

**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 1446 – Justice, Sykes, Newberry, Brinkley, Allen, Fields, Ballenger, Ellis, Garrison

SCs NAMED

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

SB 200 – GCCA

SB 232 – GCCA

SB 250 – GCCA

SB 264 – Jolley, Ford, Halligan, Stanislawski, Rice, Burrage

SB 280 – Stanislawski, Ford, Brinkley, David, Eason McIntyre, Garrison

SB 483 – GCCA

SB 487 – GCCA

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 377 and **794** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGE FROM THE HOUSE

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

- SB 671** - Conference Committee on Public Safety, Judiciary and Military Affairs
- SB 750** - GCCA
- SB 761** - Conference Committee on Public Safety, Judiciary and Military Affairs
- SB 772** - Conference Committee on Government Modernization and Rules
- SB 798** - Conference Committee on Insurance and Economic Development
- SB 821** - Conference Committee on Redistricting
- SB 878** - Conference Committee on Public Safety, Judiciary and Military Affairs
- SB 935** - GCCA

SCs NAMED

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

- SB 529** – Jolley, Barrington, Nichols, Johnson (Rob), Burrage, Garrison
- SB 614** – Jolley, Aldridge, Mazzei, Brinkley, Ivester, Wilson
- SB 671** – GCCA
- SB 750** – GCCA
- SB 761** – Jolley, Sykes, Johnson (Rob), Crain, Paddack, Sparks
- SB 772** – GCCA
- SB 798** – Jolley, Sykes, Johnson (Rob), Crain, Burrage, Laster
- SB 935** – GCCA

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 377 and 794**.

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

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

- SB 195** - Conference Committee on General Government and Transportation
- SB 218** - Conference Committee on Insurance and Economic Development
- SB 232** - Conference Committee on Government Modernization and Rules
- SB 247** - GCCA
- SB 250** - Conference Committee on Public Safety, Judiciary and Military Affairs
- SB 264** - Conference Committee on Government Modernization and Rules
- SB 483** - Conference Committee on Health and Human Services

SB 487 - GCCA

SB 529 - GCCA

SB 614 - Conference Committee on Public Safety, Judiciary and Military Affairs

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 10, 2011, at 9:30 a.m., which motion prevailed.

MESSAGE FROM THE GOVERNOR

Advising her approval May 6, 2011, of Enrolled **SBs 532** and **563** and on May 9, 2011, of Enrolled **SBs 180, 206, 214, 256, 445, 446, 527, 857** and **943**.

Pursuant to the Schulz motion, the Senate adjourned at 3:00 p.m. to meet Tuesday, May 10, 2011, at 9:30 a.m.

JOURNAL CORRECTION

Page 1027, 7th line from the bottom, insert "**1957**".