

# Senate Journal

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

**Fiftieth Legislative Day, Tuesday, May 10, 2011**

The Senate was called to order by Senator Sykes.

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 Sykes 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 347, 541, 637, 965 and 969 and SCRs 16 and 19** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

**SB 821** – remove Bingman, Schulz, Jolley, Marlatt, Burrage, Rice; and add Jolley, Marlatt, Allen, Newberry, Nichols, Barrington, David, Fields, Holt, Burrage, Eason McIntyre, Rice, Sparks

**HB 2145** – remove Bingman, Schulz, Jolley, Marlatt, Burrage, Rice; and add Jolley, Marlatt, Allen, Newberry, Nichols, Barrington, David, Fields, Holt, Burrage, Eason McIntyre, Rice, Sparks

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

**HAs** to **SB 420** were concurred in upon motion of Senator Fields.

**SB 420**, 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), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bingman, Johnson (R), Laster, Myers, Paddack and Sparks.--6.

The bill passed.

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

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

**HAs** to **SB 2** were concurred in upon motion of Senator Ford.

**SB 2**, 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), Jolley, Justice, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Johnson (R), Laster and Myers.--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 60** were concurred in upon motion of Senator David.

**SB 60**, 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Johnson (R) and Myers.--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 285** were concurred in upon motion of Senator David.

**SB 285**, 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), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Bingman, Johnson (R) and Myers.--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 299** were concurred in upon motion of Senator Jolley.

**SB 299**, 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, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--47.

Excused: Bingman.--1.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 239** were concurred in upon motion of Senator Brecheen.

**SB 239**, 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, 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, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Adelson, Bingman, Marlatt and Rice.--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 679** were concurred in upon motion of Senator Jolley.

**SB 679**, 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, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bingman, Ivester, Mazzei and Myers.--4.

The bill passed.

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

**UNAMIOUS CONSENT REQUEST  
HAs RESCINDED**

Senator Halligan asked unanimous consent, which was granted, to rescind the rejection of the House amendments to **SBs 11** and **200**.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 11** were concurred in upon motion of Senator Halligan.

**SB 11**, 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, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Brown, Mazzei and Myers.--3.

The bill passed.

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

## **INTRODUCTION**

Senator Sykes introduced his father, David Sykes, to the Senate.

## **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 200** were concurred in upon motion of Senator Halligan.

**SB 200**, 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, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Mazzei and Myers.--2.

The bill passed.

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

## **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Bass asked unanimous consent to refer **HCR 1018** direct to the Calendar for consideration, which was the order.

## **GENERAL ORDER**

**HCR 1018** by Dorman et al of the House and Bass of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1018**, except Senator Eason McIntyre, which was the order.

**HCR 1018** was adopted upon motion of Senator Bass and properly signed and ordered returned to the Honorable House.

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

**HAs** to **SBs 115, 260** and **929** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HJR 1045**.

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 347, 541, 637, 965** and **969**.

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

Advising the signing of and returning Enrolled **SCRs 16** and **19**.

The above-numbered enrolled measures were transmitted to the Secretary of State.

Senator Schulz moved that the Senate recess until 2:00 p.m., 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.

**Senator Ford presiding.**

#### **MESSAGES FROM THE HOUSE**

Advising rejection of **CCRs** to the following bills, requesting further conference and naming same House conferees as follows:

**HB 1211** - Conference Committee on Public Safety, Judiciary and Military Affairs

Advising concurrence in **SAs** to and passage of Engrossed **HB 2136**.

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

**HAs** to **SB 756** were concurred in upon motion of Senator Newberry.

**SB 756**, 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, Branan, Brecheen, Brinkley, Brown, Coates, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--28.

Nay: Adelson, Allen, Ballenger, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Lerblance, Paddack, Rice, Sparks, Wilson and Wyrick.--16.

Excused: Bingman, Laster, Myers and Nichols.--4.

The bill passed.

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

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

\*

The Senate reconvened with Senator Ford presiding.

Senator Ford 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 252** were concurred in upon motion of Senator Fields.

**SB 252**, 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, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Bingman, Brecheen, Laster, Mazzei, Myers, Newberry and Paddack.--7.

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 668** were concurred in upon motion of Senator David.

**SB 668**, 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, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Nichols, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--41.

Excused: Bingman, Brecheen, Laster, Mazzei, Myers, Newberry and Paddack.--7.

The bill passed.

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

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

**HAs to SBs 242, 243, 335 and 852 and SJR 16** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

**SCs NAMED**

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

**SB 169** – Myers, Fields, Justice, Ballenger, Garrison, Schulz

**SB 195** – Paddack, Stanislawski, Branan, David, Allen, Burrage

**SB 218** – Marlatt, Brown, Johnson (Rob), Nichols, Sparks, Burrage

**SB 260** – Ford, Stanislawski, Halligan, Jolley, Eason McIntyre, Rice

**SB 272** – Aldridge, Newberry, Brown, Stanislawski, Garrison, Paddack

**SB 398** – Stanislawski, Newberry, Marlatt, Crain, Wilson, Johnson (Constance)

**SB 492** – GCCA

**SB 570** – Russell, Sykes, Mazzei, Brecheen, Ballenger, Ivester

**SB 740** – Schulz, Sykes, Justice, Fields, Ivester, Burrage

**SB 878** – Sykes, Anderson, Newberry, David, Rice, Bass

**SB 929** – Newberry, David, Brinkley, Coates, Laster, Eason McIntyre

**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 1225** – Simpson, Johnson (Rob), David, Allen, Burrage, Garrison

**HB 1226** – Simpson, Sykes, Brecheen, Brinkley, Ballenger, Paddack

**HB 1229** – Simpson, Barrington, Holt, Fields, Ellis, Johnson (Constance)

**HB 1363** – GCCA

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

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

**HB 1211** – Newberry, Barrington, Treat, Brecheen, Burrage, Eason McIntyre

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 11, 2011, at 10:00 a.m., which motion prevailed.

**CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 435**

**SB 854**, coauthored by Kirby and Pittman

**FIRST READING**

The following was introduced and read the first time:

**SR 24** – By Schulz.

A Resolution relating to the protection of the property and supplies of the Senate and duties of the President Pro Tempore during the 2011 legislative interim; authorizing employment of necessary personnel; restricting use of Senate offices and Senate Chamber during the interim except with the consent of the President Pro Tempore; authorizing repairs to the Senate Chamber, Senate offices and furnishings and purchase of needed furnishings and equipment therefor; authorizing President Pro Tempore to appoint members of the Senate to interim committees; authorizing President Pro Tempore to approve claims for reimbursement incurred by members and employees of the Senate during the interim; and providing for cumulative powers.

**MESSAGE FROM THE GOVERNOR**

Advising her approval May 10, 2011, of Enrolled **SBs 124, 324, 347, 377, 412, 708** and **794**.

Pursuant to the Schulz motion, the Senate adjourned at 4:30 p.m. to meet Wednesday, May 11, 2011, at 10:00 a.m.