

Senate Journal

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

Fifty-fourth Legislative Day, Monday, May 16, 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 Associate Minister Kristi Harrington, Henderson Hills Baptist Church, Edmond, the guest of Senator Jolley.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 228 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1322** was adopted upon motion of Senator Schulz.

HB 1322, 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, Ballenger, Barrington, Bass, Branan, Brecheen, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (C),

Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--38.

Excused: Anderson, Bingman, Brinkley, Eason McIntyre, Ivester, Johnson (R), Laster, Mazzei, Russell and Shortey.--10.

The bill passed.

HB 1322, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1594** was adopted upon motion of Senator Crain.

HB 1594, 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, Ballenger, Barrington, Bass, Branan, Brecheen, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat and Wilson.--39.

Excused: Anderson, Bingman, Brinkley, Johnson (R), Laster, Mazzei, Russell, Shortey and Wyrick.--9.

The bill passed.

HB 1594, 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 110 – Myers, Branan, Fields, Halligan, Garrison, Burrage

SB 597 – Bingman, Branan, Simpson, Brecheen, Paddack, Burrage

SB 949 – GCCA

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 195
SB 250
SB 267
SB 280

Senator Schulz moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

*

The Senate reconvened with Senator Stanislawski presiding.

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

MESSAGES FROM THE HOUSE

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

SB 286 - GCCA
SB 521 - Conference Committee on Public Safety, Judiciary and Military Affairs
SB 597 - Conference Committee on Public Safety, Judiciary and Military Affairs
SB 949 - GCCA
SB 952 - Conference Committee on Public Safety, Judiciary and Military Affairs

Advising conferees are unable to agree on the following:

HB 1361

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2145** was adopted upon motion of Senator Jolley.

HB 2145, 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, Eason McIntyre, Fields, Ford, Garrison, Halligan, Ivester, Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Nay: Ellis, Holt, Johnson (C) and Johnson (R).--4.

Excused: Ballenger.--1.

The bill passed.

HB 2145, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 435** was adopted upon motion of Senator Ford.

SB 435, as amended in conference, 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, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--29.

Nay: Adelson, Anderson, Bass, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Paddack, Rice, Sparks, Wilson and Wyrick.--17.

Excused: Aldridge and Ballenger.--2.

The bill passed.

SB 435, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SBs 251, 397** and **608** 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 returning Enrolled **SB 228**.

The above-numbered enrolled measure was referred to the Governor.

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

SB 821

The above-numbered measure, as amended in conference, was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 610 were concurred in upon motion of Senator Ford.

SB 610, 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, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Aldridge, Ballenger and Mazzei.--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 56 were concurred in upon motion of Senator Burrage.

SB 56, 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, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

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

The bill passed.

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

SCs NAMED

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

SB 335 – Bingman, Branan, Marlatt, David, Wyrick, Burrage

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 1002 - (emergency failed)

HB 1079

HB 1086

HB 1243

HB 1319 - coauthored by Derby

HB 1473

HB 1507 - coauthored by Nollan

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

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 1943 – Branan, Nichols, Treat, Johnson (Rob), Burrage, Sparks

**SENATE RULE 12-23.
CORRECTIONS TO LEGISLATION.**

Pursuant to the provisions of Senate Rule 12-23, the Secretary of the Senate has made the following correction to Section 3 of the enrolled version of Senate Bill 821. The first paragraph of such section shall read as follows:

“Senators elected in 2012 from odd-numbered districts provided hereinafter shall hold office until the fifteenth day succeeding the General Election in November 2016, and thereafter shall be elected for terms of four (4) years. Senators elected from even-numbered districts in November 2010, shall hold office until the fifteenth day succeeding the General Election in November 2014, and thereafter shall be elected for terms of four (4) years.”

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 2145**.

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

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

SB 251 - GCCA

SB 397 - Conference Committee on Insurance and Economic Development

SB 608 - Conference Committee on Government Modernization and Rules

**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 measure as amended:

HB 1271

HB 1285 - coauthored by Kirby and Scott

HB 1363

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

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 260

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 17, 2011, at 9:30 a.m., which motion prevailed.

COMMITTEE REPORT

The following was reported by the committee named, ordered printed and placed on the Calendar:

DO PASS, As Amended:

CS for SB 985 – Joint Committee on Appropriations and Budget

Senate:

Ayes: Brinkley, Burrage, Ford, Halligan, Ivester, Justice, Marlatt, Newberry, Nichols, Paddack, Rice, Stanislawski, Sykes, Wilson, Wyrick, Jolley, Myers

House:

Ayes: Billy, Cox, Hoskin, Sears, Blackwell, Denney, Liebmann, Walker, Brown, Dorman, Peters

Nays: Armes, Dank, DeWitt, Martin (Scott)

SECOND READING

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

SB 982 – Joint Committee on Appropriations and Budget

SB 983 – Joint Committee on Appropriations and Budget

SB 984 – Joint Committee on Appropriations and Budget

SB 985 – Joint Committee on Appropriations and Budget

HB 2170 – Direct to Calendar

HB 2171 – Direct to Calendar

HB 2173 – Direct to Calendar

HB 2174 – Direct to Calendar

HB 2175 – Direct to Calendar

HB 2176 – Direct to Calendar

HB 2177 – Direct to Calendar

HB 2178 – Direct to Calendar

HB 2179 – Direct to Calendar

MESSAGE FROM THE GOVERNOR

Advising her approval May 16, 2011, of Enrolled **SBs 541, 637, 965** and **969**.

Pursuant to the Schulz motion, the Senate adjourned at 2:40 p.m. to meet Tuesday, May 17, 2011, at 9:30 a.m.