

# Senate Journal

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

Thirty-first Legislative Day, Monday, April 4, 2011

The Senate was called to order by Senator Ford.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brown, 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, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—45.

Excused: Brinkley, Burrage and Russell.—3.

Senator Ford declared a quorum present.

The prayer was offered by Dr. Cleve Haley, First Baptist Church, Noble, the guest of Senator Sparks.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HB 1374** was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 59, 287, 648** and **856** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 3** and **8** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**GENERAL ORDER**

**HB 1377** by Holland of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 1377** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1377** was read for the third time 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, Brown, 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, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Ballenger, Brinkley, Burrage and Russell.--4.

The bill passed.

**HB 1377** was properly signed and ordered returned to the Honorable House.

**Senator Jolley presiding.**

**GENERAL ORDER**

**HB 2128** by Steele et al of the House and Sykes of the Senate was called up for consideration.

Representative Hall asked to coauthor **HB 2128**, which was the order.

Senator Sykes moved that **HB 2128** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Barrington, Bingman, Branan, Brecheen, Brown, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Reynolds, Schulz, Simpson, Stanislawski, Sykes and Treat.--26.

Nay: Adelson, Anderson, Bass, Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Mazzei, Paddack, Rice, Shortey, Sparks, Wilson and Wyrick.--18.

Excused: Ballenger, Brinkley, Burrage and Russell.--4.

### **THIRD READING**

**HB 2128** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brown, Crain, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--30.

Nay: Adelson, Bass, Coates, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Rice, Sparks, Wilson and Wyrick.--14.

Excused: Ballenger, Brinkley, Burrage and Russell.--4.

The bill passed.

Pursuant to Rule 12-21, Senator Sykes served notice that the vote be reconsidered whereby **HB 2128** passed.

### **GENERAL ORDER**

**HB 2017** by Cox et al of the House and Crain of the Senate was called up for consideration.

Senator Crain asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB2017**.

Senator Crain moved to amend **HB 2017**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2017** to the engrossed version of the bill.

Senator Crain moved that **HB 2017** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2017** was read for the third time 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, Brown, Coates, Crain, David, Eason McIntyre, Fields, Ford, Garrison, Halligan,

Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Ballenger, Brinkley, Burrage, Ellis and Russell.--5.

The bill passed.

**HB 2017** was properly signed and ordered returned to the Honorable House.

#### **CHANGE IN COMMITTEE ASSIGNMENT**

The following bill will be reassigned as follows:

**HB 1594** – Withdrawn from Judiciary and referred to Business and Commerce

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1638** and **2139**.

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 59, 287, 648** and **856**.

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

Advising passage of and returning the following Engrossed bills:

**SB 100**

**SB 145**

**SB 253** - coauthored by Bennett, Reynolds, Peterson, Walker, Kern, Ritze

**SB 498**

**SB 666** - (emergency failed)

The above-numbered measures were referred for enrollment.

**MESSAGE FROM THE HOUSE  
HAs TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

**SB 407**

**SB 774**

House amendments were read on the above-numbered bills.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 5, 2011, at 1:30 p.m., which motion prevailed.

**COMMITTEE REPORTS**

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

DO PASS:

**HB 1366** – Energy, coauthored by Ivester of the Senate

Ayes: Adelson, Allen, Branan, Burrage, Fields, Ivester, Jolley, Lerblance, Marlatt, Myers, Nichols, Paddack, Simpson

**HB 1460** – Energy

Ayes: Adelson, Allen, Branan, Burrage, Fields, Ivester, Jolley, Lerblance, Marlatt, Myers, Nichols, Paddack, Simpson

DO PASS, As Amended:

**HB 1079** – Energy

Ayes: Adelson, Allen, Branan, Burrage, Fields, Ivester, Jolley, Lerblance, Marlatt, Myers, Nichols, Paddack, Simpson

**CS for HB 1251** – Energy, coauthored by Fields of the Senate

Ayes: Adelson, Allen, Branan, Burrage, Fields, Ivester, Jolley, Lerblance, Marlatt, Myers, Nichols, Paddack, Simpson

**COMMITTEE REPORTS**

The following were reported by the committees named and referred to a second committee:

DO PASS:

**HB 1488** – Energy

Ayes: Adelson, Allen, Branan, Burrage, Fields, Ivester, Jolley, Lerblance, Marlatt, Myers, Paddack, Simpson

DO PASS, As Amended:

**HB 1211** – Public Safety, coauthored by Thomsen, Brumbaugh of the House, and coauthored by Simpson of the Senate

Ayes: Ballenger, Barrington, Garrison, Johnson (Constance), Justice, Reynolds, Shortey

**HB 1797** – Public Safety

Ayes: Barrington, Johnson (Constance), Justice, Reynolds, Shortey

**HB 1798** – Public Safety

Ayes: Ballenger, Barrington, Garrison, Justice, Reynolds, Russell, Shortey

Nays: Johnson (Constance)

**HB 1802** – Public Safety, coauthored by Johnson (Constance) of the Senate

Ayes: Barrington, Johnson (Constance), Justice, Russell, Shortey

Nays: Reynolds

**MESSAGE FROM THE GOVERNOR**

Advising her approval April 1, 2011, of Enrolled **SB 576**.

Advising her approval April 4, 2011, of Enrolled **SBs 16, 131, 137, 157** and **940**.

Pursuant to the Schulz motion, the Senate adjourned at 4:00 p.m. to meet Tuesday, April 5, 2011, at 1:30 p.m.