

# Senate Journal

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

**Thirty-eighth Legislative Day, Thursday, April 14, 2011**

The Senate was called to order by Senator Marlatt.

Roll Call:

Present: Aldridge, 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, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—43.

Excused: Adelson, Allen, Laster, Reynolds and Russell.—5.

Senator Marlatt declared a quorum present.

The prayer was offered by Reverend Kirt Moelling, Lakeside United Methodist Church, Oklahoma City, the guest of Senator Rice.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1282, 1322, 1338, 1355, 1461, 1854, 1990 and 2121 and HJR 1002** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 12, 170, 547 and 801** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1061, 1274, 1310, 1327, 1339, 1372, 1472, 1826 and 1888**.

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

### **GENERAL ORDER**

**HB 1649** by Quinn and Ownbey of the House and Simpson of the Senate was called up for consideration.

Senator Simpson asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1649**.

Senator Simpson moved to amend **HB 1649**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1649** to the engrossed version of the bill.

Senator Simpson moved that **HB 1649** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1649** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Treat and Wilson.--38.

Excused: Adelson, Allen, David, Jolley, Laster, Mazzei, Reynolds, Russell, Sykes and Wyrick.--10.

The bill passed.

**HB 1649** was properly signed and ordered returned to the Honorable House.

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

Senator Johnson (Constance) asked unanimous consent to refer **SR 16** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 16** by Johnson (Constance) was called up for consideration.

All other members of the Senate asked to coauthor **SR 16**, which was the order.

**SR 16** was adopted upon motion of Senator Johnson (Constance) and referred for enrollment.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HCR 1015**.

**HCR 1015** – By Sullivan of the House and Crain of the Senate.

A Concurrent Resolution in honor of Paul E. Thornbrugh on the occasion of his 90th Birthday; declaring April 15, 2011, to be Paul E. Thornbrugh Day; and directing distribution.

The above-numbered measure was read the first time.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Crain asked unanimous consent to refer **HCR 1015** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1015** by Sullivan of the House and Crain of the Senate was called up for consideration.

**HCR 1015** was adopted upon motion of Senator Crain and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Fields asked unanimous consent to refer **HCR 1012** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1012** by Richardson et al of the House and Fields of the Senate was called up for consideration.

**HCR 1012** was adopted upon motion of Senator Fields and properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1594** by Martin (Steve) and Cooksey of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 1594** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1594** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--40.

Excused: Adelson, Allen, Bingman, David, Laster, Reynolds, Russell and Sykes.--8.

The bill and emergency passed.

**HB 1594** was referred for engrossment.

### **GENERAL ORDER**

**HB 1421** by Casey et al of the House and Halligan of the Senate was called up for consideration.

Senator Fields asked to coauthor **HB 1421**, which was the order.

Senator Halligan moved that **HB 1421** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1421** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--39.

Excused: Adelson, Allen, Crain, David, Laster, Reynolds, Russell, Shortey and Sykes.--9.

The bill passed.

**HB 1421** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1672** by Billy et al of the House and Anderson and Lerblance of the Senate was called up for consideration.

Senators Brecheen and Johnson (Constance) asked to coauthor **HB 1672**, which was the order.

Senator Anderson moved that **HB 1672** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1672** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Lerblance, Mazzei, Myers, Newberry, Paddack, Rice, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--37.

Nay: Marlatt and Nichols.--2.

Excused: Adelson, Allen, Crain, David, Laster, Reynolds, Russell, Shortey and Sykes.--9.

The bill passed.

**HB 1672** was properly signed and ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE**

Advising the signing of and transmitting for signature Enrolled **HCR 1014**.

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

**EXECUTIVE NOMINATIONS**

The following executive nominations were read and referred to committee as indicated:

Hall, Joe D., Elk City, as a member of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges - Education

Holmes, Burt, Tulsa, as a member of the Oklahoma Centennial Botanical Garden Authority - General Government

Keller, Edward F., Tulsa, as a member of the Board of Trustees for Oklahoma State University/Tulsa - Education

McGraw, Joe, Tulsa, as a member of the Oklahoma Centennial Botanical Garden Authority - General Governemtn

Stricklin, Toney, Lawton, as a member of the State Regents for Higher Education - Education

Woodrum, Pat, Tulsa, as a member of the Oklahoma Centennial Botanical Garden Authority - General Government

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 12, 170, 547 and 801**.

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

Advising passage of and returning the following Engrossed bill:

**SB 147** (emergency failed)

The above-numbered measure was referred for enrollment.

Advising the signing of and transmitting for signature Enrolled **HCR 1015**.

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

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 18, 2011, at 1:30 p.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 HB 2116** – Appropriations, remove Marlatt and substitute Stanislawski as principal Senate author

Ayes: Ballenger, Branam, Brinkley, Burrage, Halligan, Ivester, Jolley, Justice, Marlatt, Newberry, Nichols, Stanislawski, Sykes, Wilson

## **FIRST READING**

The following were introduced and read the first time:

**SCR 15** – By Halligan of the Senate and Denney of the House.

A Concurrent Resolution supporting construction of the Keystone XL pipeline project; encouraging approval process; and directing distribution.

**SR 17** – By Jolley.

A Resolution honoring Emoly West as Miss Oklahoma 2010; commending her accomplishments; and directing distribution.

## **BILL RELEASED**

### **TIME EXPIRED TO RECONSIDER**

**HB 1686** was properly signed and ordered returned to the Honorable House

Pursuant to the Schulz motion, the Senate adjourned at 10:25 a.m. to meet Monday, April 18, 2011, at 1:30 p.m.