

# Senate Journal

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

**Forty-first Legislative Day, Wednesday, April 20, 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 Ford declared a quorum present.

The prayer was offered by Reverend Jim Lehew, Emmaus Baptist Church, Oklahoma City, the guest of Senator Sykes.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1002, 1226, 1243, 1283, 1284, 1319, 1473, 1489, 1549, 1559, 1586, 1744, 1821, 1852, 1918, 2032, 2049, 2072, 2075, 2115 and 2132** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 95, 193, 275, 495, 530, 633, 816 and 895** and **SCR 14** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 17 and 19** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**REQUEST TO RECESS**

Pursuant to Article 5, Section 30 of the Oklahoma Constitution, the Senate requests the Honorable House of Representatives to consent to the adjournment of the Senate for more than three days beginning Thursday April 21, 2011 and ending on Monday April 25, 2011.

**GENERAL ORDER**

**HB 1347** by Newell of the House and Coates of the Senate was called up for consideration.

Senator Coates asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1347**.

Senator Coates moved to amend **HB 1347**, Page 3, Lines 4 and 5, by deleting all language after the word "offense" on line 4 and before the semicolon ";" on line 5 and amending the title to conform, which amendment was declared adopted.

Senator Coates moved that **HB 1347** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1347** 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, 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, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

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

The bill and emergency passed.

**HB 1347** was referred for engrossment.

**MESSAGE FROM THE HOUSE**

Advising passage of and returning the following Engrossed bill:

**SB 328** - (emergency failed)

The above-numbered measure was referred for enrollment.

### **GENERAL ORDER**

**HB 1348** by Newell of the House and Coates of the Senate was called up for consideration.

Senator Coates moved that **HB 1348** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1348** 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, 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, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

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

The bill and emergency passed.

**HB 1348** was properly signed and ordered returned to the Honorable House.

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

Senator Bingman asked unanimous consent to refer **SCR 13** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SCR 13** by Bingman of the Senate and Trebilcock of the House was called up for consideration.

Senators Brinkley, Shortey, Brecheen, Allen and David asked to coauthor **SCR 13**, which was the order.

**SCR 13** was adopted upon motion of Senator Bingman and referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to refer **SR 13** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 13** by Jolley was called up for consideration.

All other members of the Senate asked to coauthor **SR 13**, which was the order.

**SR 13** was adopted upon motion of Senator Jolley and referred for enrollment.

**GENERAL ORDER**

**HB 1211** by Kirby et al of the House and Newberry and Simpson of the Senate was called up for consideration.

Senators David, Shortey and Brinkley asked to coauthor **HB 1211**, which was the order.

Senator Jolley moved to amend **HB 1211**, Page 3, Line 20 1/2, by inserting a new SECTION 3 to read as follows:

SECTION 3. AMENDATORY 37 O.S. 2001, Section 518.3, is amended to read as follows:

“A. It shall be unlawful for any mixed beverage establishment, beer and wine establishment, or bottle club which has been licensed by the Alcoholic Beverage Laws Enforcement Commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or retail package store, to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities; however, a school or church may waive the three-hundred-foot requirement by providing written notice to the establishment seeking the license and to the ABLE Commission. The distance indicated in this section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such mixed beverage establishment, beer and wine establishment, bottle club, or retail package store which has been licensed to sell alcoholic beverages. The provisions of this section shall not apply to mixed beverage establishments, beer and wine establishments, or bottle clubs, which have been licensed to sell alcoholic beverages for on-premises consumption or retail package stores prior to November 1, 2000; provided, if at the time of application for license renewal the licensed location has not been in actual operation for a continuous period of more than sixty (60) days, the license shall not be renewed. If any school or church shall be established within three hundred (300) feet of any retail package store, mixed beverage

establishment, beer and wine establishment, or bottle club subject to the provisions of this section after such retail package store, mixed beverage establishment, beer and wine establishment, or bottle club has been licensed, the provisions of this section shall not be a deterrent to the renewal of such license if there has not been a lapse of more than sixty (60) days. When any mixed beverage establishment, beer and wine establishment, or bottle club subject to the provisions of this section which has a license to sell alcoholic beverages for on-premises consumption or retail package store changes ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license to the new owner or operator if he or she is otherwise qualified.

B. 1. Any interested party may protest the application for or granting of a license for a retail package store, or for a mixed beverage establishment, beer and wine establishment, or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, based on an alleged violation of this section. To be considered by the ABLE Commission, the protest must:

- a. be submitted in writing,
- b. be signed by the person protesting,
- c. contain the mailing address and address of residence, if different from the mailing address of the protester,
- d. contain the title of the person signing the protest, if the person is acting in an official capacity as a church or school official, and
- e. contain a concise statement explaining why the application is being protested.

2. Within thirty (30) days of the date of receipt of a written protest, the ABLE Commission shall conduct a hearing on the protest if the protest meets the requirements of paragraph 1 of this subsection.

3. As used in this subsection, "interested party" means:

- a. a parent or legal guardian whose child or children attend the church or school which is alleged to be closer to the mixed beverage establishment or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or retail package store, than is allowed by this section,
- b. an official of a church which is alleged to be closer to the mixed beverage establishment or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or retail package store, than is allowed by this section, or
- c. an official of a school which is alleged to be closer to the mixed beverage establishment or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or retail package store, than is allowed by this section."

and by amending the title to conform, which amendment was declared adopted.

Senator Newberry asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1211**.

Senator Newberry moved to amend **HB 1211**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Newberry moved that **HB 1211** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1211** 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, 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, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--47.

Excused: Reynolds.--1.

The bill passed.

**HB 1211** was referred for engrossment.

### **GENERAL ORDER**

**HB 2131** by Steele et al of the House and Anderson of the Senate was called up for consideration.

Senators Rice, Johnson (Constance), Brecheen and Coates asked to coauthor **HB 2131**, which was the order.

Senator Johnson (Constance) moved to amend **HB 2131**, Page 21, Line 11 1/2, by inserting a new SECTION 13, which amendment was withdrawn upon motion of Senator Johnson (Constance). (Copies were provided to all Senators)

Senator Anderson asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 2131**.

Senator Anderson moved to amend **HB 2131** by deleting Sections 1 through 6 of the bill; and by deleting the word "or" on Page 15, Line 21; and by deleting the "." on Page 15, Line 23 and inserting in lieu thereof ";" and by inserting the following language:

- “43. Racketeering as provided in Section 1403 of Title 22 of the Oklahoma Statutes;
- 44. Offenses of public corruption such as bribery of public officials as provided in Section 381 or 382 of Title 21 of the Oklahoma Statutes
- 45. Embezzlement of public money as provided in Section 1451 et seq. of Title 21 or Section 641 of Title 19 of the Oklahoma Statutes;
- 46. Failure to pay and collect tax as provided in Section 1361 or 2385.3 of Title 68 of the Oklahoma Statutes;
- 47. Conspiracy to defraud the state as provided in Section 424 of Title 21 of the Oklahoma Statutes;
- 48. Child pornography as provided in Section 1021.2 or 1021.3 or defined in Section 1024.1 of Title 21 of the Oklahoma Statutes;
- 49. Child prostitution as defined by Section 1030 of Title 21 of the Oklahoma Statutes;
- 50. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes;
- 51. Terrorism crimes, including biochemical assault as provided in Section 1268 of Title 21 of the Oklahoma Statutes;
- 52. Trafficking of children as provided in Section 865 et seq. of Title 21 of the Oklahoma Statutes; or
- 53. Trafficking of humans as provided in Section 748 et seq. of Title 21 of the Oklahoma Statutes.”, and by amending the title to conform, which amendment was declared adopted.

Senator Anderson moved to amend **HB 2131**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Anderson moved that **HB 2131** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2131** 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, 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Nay: Bass, Johnson (R) and Shortey.--3.

Excused: Aldridge.--1.

The bill passed.

**HB 2131** was referred for engrossment.

### **MESSAGE FROM THE HOUSE**

Advising the Honorable Senate pursuant to Article 5, Section 30 of the Oklahoma Constitution that the House grants the request of the Honorable Senate to adjourn for more than three (3) days beginning Thursday, April 21, 2011 and ending on Monday, April 25, 2011.

### **GENERAL ORDER**

**HB 1486** by Morrisette of the House and Justice of the Senate was called up for consideration.

Senator Justice moved to amend **HB 1486**, Page 5, Lines 12 through 18 by deleting all language after the comma (,) on Line 12 and before the period on Line 18 and inserting in lieu thereof the following:

“and all other public facilities”, which amendment was declared adopted.

Senator Justice moved that **HB 1486** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1486** was read for the third time at length.

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

Aye: Adelson, Allen, 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.--46.

Excused: Aldridge and Anderson.--2.

The bill and emergency passed.

**HB 1486** was referred for engrossment.

### **GENERAL ORDER**

**HB 1360** by Peters et al of the House and Jolley of the Senate was called up for consideration.



Senator Jolley asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1360**.

Senator Jolley moved to amend **HB 1360**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1360** to the engrossed version of the bill.

Senator Jolley moved that **HB 1360** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1360** 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, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Aldridge and Justice.--2.

The bill passed.

**HB 1360** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1363** by Peters et al of the House and Jolley and Allen of the Senate was called up for consideration.

Representative Christian asked to coauthor **HB 1363**, which was the order.

Senator Jolley moved to amend **HB 1363**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Jolley moved that **HB 1363** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1363** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--43.

Nay: Adelson and Eason McIntyre.--2.

Excused: Ivester, Justice and Laster.--3.

The bill passed.

**HB 1363** was referred for engrossment.

### **GENERAL ORDER**

**HB 1658** by Enns of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved that **HB 1658** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1658** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Ivester, Justice and Laster.--3.

The bill passed.

**HB 1658** was referred for engrossment.

### **GENERAL ORDER**

**HB 1665** by Osborn et al of the House and Jolley of the Senate was called up for consideration.

Senators Brecheen and Treat asked to coauthor **HB 1655**, which was the order.

Senator Jolley moved to amend **HB 1655**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Jolley moved that **HB 1665** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1655** 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, Brecheen, Brinkley, Brown, David, Ellis, Fields, Ford, Halligan, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes and Treat.--29.

Nay: Adelson, Bass, Branan, Burrage, Coates, Crain, Eason McIntyre, Garrison, Holt, Ivester, Johnson (C), Laster, Lerblance, Paddack, Rice, Sparks, Wilson and Wyrick.--18.

Excused: Ballenger.--1.

The bill passed.

Senator Crain desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 30; Nay: 17; Excused: 1.

The emergency failed.

**HB 1665** was referred for engrossment.

### **MESSAGE FROM THE HOUSE HAS TO SENATE BILLS**

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

**SB 110** - (emergency failed), remove Sanders and substitute Ortega as principal House author

**SB 124** - (emergency failed), coauthored by: Reynolds, Roberts (Sean), Ritze and Kern

**SB 169**

**SB 175**

**SB 180** - coauthored by Walker

**SB 206**

**SB 216**

**SB 252** - coauthored by Ritze and Condit

**SB 278** - (emergency failed), coauthored by Billy

**SB 280** - (emergency failed), coauthored by Ritze

**SB 346** - (emergency failed), coauthored by Coody

**SB 408** - (emergency failed), remove Billy and substitute Roan as principal House author

**SB 487**

**SB 593**

**SB 679** - coauthored by Cox

**SB 684**

**SB 763** - coauthored by Reynolds and Ritze

**SB 837**

House amendments were read on the above-numbered bills.

## **MESSAGES FROM THE HOUSE**

Advising passage of and returning the following Engrossed bill:

**SB 126** - coauthored by Pittman

The above-numbered measure was referred for enrollment.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1209, 1414, 1438, 1474 and 1664**.

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

## **GENERAL ORDER**

**HB 1675** by Billy of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved to amend **HB 1675**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1675** to the engrossed version of the bill.

Senator Jolley moved that **HB 1675** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1675** 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, 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, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Ballenger, Bass and Reynolds.--3.

The bill passed.

**HB 1675** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1736** by Peterson and Tibbs of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved to amend **HB 1736**, Page 1, by restoring the title, which amendment was declared adopted upon roll call as follows:

Aye: Aldridge, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Russell, Schulz, Shortey, Simpson, Sykes and Treat.--27.

Nay: Adelson, Allen, Anderson, Ballenger, Burrage, Crain, Eason McIntyre, Ellis, Ivester, Laster, Lerblance, Paddack, Rice, Sparks, Stanislawski, Wilson and Wyrick.--17.

Excused: Bass, Garrison, Johnson (C) and Reynolds.--4.

The above amendment restores **HB 1736** to the engrossed version of the bill.

Senator Jolley moved that **HB 1736** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1736** 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, Brinkley, Brown, Burrage, Coates, David, Ellis, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes and Treat.--33.

Nay: Adelson, Ballenger, Crain, Eason McIntyre, Garrison, Ivester, Johnson (C), Laster, Lerblance, Rice, Wilson and Wyrick.--12.

Excused: Bass, Myers and Reynolds.--3.

The bill passed.

**HB 1736** was properly signed and ordered returned to the Honorable House.

## **INTRODUCTION**

Senator Russell introduced his guest, Jim Riccolo, former member of the Illinois House of Representatives, and asked unanimous consent, which was granted, that he be allowed privileges of the floor for this legislative day.

## **PENDING CONSIDERATION OF HAS**

**HAs to SBs 267** was 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 bill:

### **SB 828**

The above-numbered measure was referred for enrollment.

Advising concurrence in **SAs** to and passage of Engrossed **HJR 1002**.

Advising the signing of and returning Enrolled **SCR 14**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 95, 193, 530, 633, 816 and 895.**

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

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

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The Senate reconvened with Senator Jolley presiding.

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

#### **GENERAL ORDER**

**HB 1556** by Jordan of the House and Ivester et al of the Senate was called up for consideration.

Senator Ivester moved that **HB 1556** be advanced, which motion was declared adopted.

#### **THIRD READING**

**HB 1556** 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, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Paddock, Reynolds, Russell, Schulz, Shortey, Simpson, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bingman, Crain, Mazzei, Nichols, Rice and Sparks.--6.

The bill passed.

**HB 1556** was referred for engrossment.

#### **GENERAL ORDER**

**HB 1062** by Roberts (Dustin) and Hardin of the House and Brecheen of the Senate was called up for consideration.

Senators Adelson and Sykes asked to coauthor **HB 1062**, which was the order.

Senator Brecheen moved to amend **HB 1062**, Page 1, Line 16 through Page 12, Line 11 by deleting Sections 1 through 3, and renumbering subsequent sections, which amendment was declared adopted.

Senator Brecheen asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1062**.

Senator Brecheen moved to amend **HB 1062**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Brecheen moved that **HB 1062** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1062** 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, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, 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, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Bingman, Crain and Rice.--3.

The bill passed.

**HB 1062** was referred for engrossment.

### **EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committees named:

Adams, Kenneth G., Bartlesville, to the Oklahoma Turnpike Authority, to serve an unexpired term ending July 1, 2011, succeeding Mike Leonard. (Transportation Committee) Motion to confirm made by Senator John Ford.

Adams, Kenneth, Bartlesville, to the Oklahoma Turnpike Authority, to serve an eight year term ending July 1, 2019, succeeding himself. (Transportation Committee) Motion to confirm made by Senator John Ford.



Burrage, David, Durant, to the Oklahoma Turnpike Authority, to serve an unexpired term ending July 1, 2015, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Josh Brecheen.

Deering, Myles L., Norman, as the Adjutant General, to serve at the pleasure of the Governor, succeeding himself. (Veterans and Military Affairs Committee) Motion to confirm made by Senator Jonathan Nichols.

Deering, Myles L., Norman, as the Cabinet Secretary of the Military, to serve at the pleasure of the Governor, succeeding himself. (Veterans and Military Affairs Committee) Motion to confirm made by Senator Jonathan Nichols.

Hern, Kevin, Tulsa, to the Oklahoma Turnpike Authority, to serve an unexpired term ending July 1, 2013, succeeding Clark Brewster. (Transportation Committee) Motion to confirm made by Senator Gary Stanislawski.

Kelly, Albert C. "Kell", Bristow, to the Oklahoma Turnpike Authority, to serve an unexpired term ending July 1, 2012, succeeding Hal Ellis. (Transportation Committee) Motion to confirm made by Senator Gary Stanislawski.

Lakin, Phillip L., Jr., Tulsa, to the State Board of Education, to serve a six year term ending April 1, 2017, succeeding Tim Gilpin. (Education Committee) Motion to confirm made by Senator Mike Mazzei.

Motions to confirm the above-named executive nominations were declared adopted upon roll call 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, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Bingman and Rice.--2.

## **GENERAL ORDER**

**HB 1398** by Wesselhoft of the House and Holt of the Senate was called up for consideration.

Senator Holt asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1398**.

Senator Holt moved to amend **HB 1398**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1398** to the engrossed version of the bill.

Senator Holt moved that **HB 1398** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1398** 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, Ballenger, Barrington, Bingman, Branan, Brecheen, Brinkley, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--38.

Nay: Anderson, Brown, Russell, Shortey and Sykes.--5.

Excused: Bass, Crain, Mazzei, Reynolds and Rice.--5.

The bill passed.

**HB 1398** was properly signed and ordered returned to the Honorable House.

### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 275** and **495**.

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

Advising passage of and transmitting for consideration Engrossed **HBs 2145**.

**HB 2145** – By Steele and DeWitt of the House and Bingman of the Senate.  
(redistricting - State House of Representatives Redistricting Act of 2011 - repealing 14 O.S., Sections 127, 128, 129, 130, 131 and 132 – codification - effective date )

The above-numbered measure was read the first time.

Advising passage of and returning the following Engrossed bills:

**SB 577**

**SB 584**

The above-numbered measures were referred for enrollment.

**MESSAGE FROM THE HOUSE  
HAS TO SENATE BILL**

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

**SB 821** - remove DeWitt and substitute Steele as principal House author, remove Jolley and substitute Bingman as principal Senate author, retain as coauthors DeWitt of the House and Jolley of the Senate

House amendments were read on the above-numbered bill.

**GENERAL ORDER**

**HB 1212** by Kirby and McNiell of the House and Marlatt of the Senate was called up for consideration.

Senator Marlatt moved to amend **HB 1212**, Page 2, Line 17 by deleting after the word "licensure" and before the word "failure" the words, "due to a positive test result or" and inserting in lieu thereof the word "for", which amendment was declared adopted.

Senator Marlatt moved that **HB 1212** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1212** 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, Ballenger, Barrington, 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, Paddock, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Bass, Mazzei, Reynolds and Rice.--4.

The bill passed.

**HB 1212** was referred for engrossment.

### **GENERAL ORDER**

**HB 1800** by Tibbs and Roan of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 1800** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1800** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Allen, Ellis, Ivester, Mazzei, Reynolds and Rice.--6.

The bill passed.

**HB 1800** was properly signed and ordered returned to the Honorable House.

### **MOTION TO RECONSIDER VOTE**

Senator Aldridge moved to reconsider the vote whereby **HB 1593** passed.

Senator Schulz moved to table the motion to reconsider the vote whereby **HB 1593** passed.

**HB 1593** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1202** by Inman of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1202** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1202** 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, 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, Myers, Newberry, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Mazzei, Nichols, Reynolds and Rice.--4.

The bill passed.

**HB 1202** was referred for engrossment.

**GENERAL ORDER**

**HB 1512** by Liebmann of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1512** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1512** 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, 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, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Mazzei and Reynolds.--2.

The bill passed.

**HB 1512** was referred for engrossment.

**GENERAL ORDER**

**HB 1831** by Mulready of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved to amend **HB 1831**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Aldridge moved that **HB 1831** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1831** 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, Ballenger, Barrington, Bass, Bingman, Branam, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Laster, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Nay: Ivester.--1.

Excused: Mazzei and Nichols.--2.

The bill passed.

**HB 1831** was referred for engrossment.

**GENERAL ORDER**

**HB 1604** by Stiles and Sullivan of the House and David of the Senate was called up for consideration.

Senator David moved that **HB 1604** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1604** 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, 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, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--46.

Excused: Mazzei and Reynolds.--2.

The bill passed.

**HB 1604** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1776** by Roberts (Sean) and Reynolds of the House and David of the Senate was called up for consideration.

Senator David moved to amend **HB 1776**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1776** to the engrossed version of the bill.

Senator David moved that **HB 1776** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1776** 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, 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, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--45.

Excused: Marlatt, Mazzei and Nichols.--3.

The bill passed.

**HB 1776** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1798** by Tibbs and Roan of the House and David of the Senate was called up for consideration.

Senator David moved to amend **HB 1798**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1798** to the engrossed version of the bill.

Senator David moved that **HB 1798** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1798** 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, Ballenger, Barrington, Bass, Bingman, Branam, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.--44.

Nay: Johnson (C) and Lerblance.--2.

Excused: Mazzei and Reynolds.--2.

The bill passed.

**HB 1798** was properly signed and ordered returned to the Honorable House.

**Senator Stanislawski presiding.**

**GENERAL ORDER**

**HB 1507** by Schwartz and Ritze of the House and Johnson (Rob) and Garrison of the Senate was called up for consideration.

Senator Johnson (Rob) moved to amend **HB 1507**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Johnson (Rob) moved that **HB 1507** be advanced, which motion was declared adopted.



**THIRD READING**

**HB 1507** 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, Brinkley, Brown, Burrage, Coates, Crain, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Justice, Marlatt, Mazzei, Myers, Nichols, Paddack, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Treat and Wyrick.--34.

Nay: Ballenger, Bass, Eason McIntyre, Johnson (C), Laster, Lerblance, Rice and Wilson.--8.

Excused: Adelson, David, Jolley, Newberry, Reynolds and Sykes.--6.

The bill passed.

**HB 1507** was referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Marlatt asked unanimous consent to refer **HCR 1016** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1016** by Hickman et al of the House and Marlatt of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1016**, which was the order.

**HCR 1016** was adopted upon motion of Senator Marlatt and properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1267** by Sears and Hickman of the House and Ford of the Senate was called up for consideration.

Senator Ford asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1267**.

Senator Ford moved to amend **HB 1267**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Ford moved that **HB 1267** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1267** 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, Allen, Anderson, Barrington, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, Eason McIntyre, Fields, Ford, Halligan, Holt, Ivester, Johnson (R), Justice, Laster, Marlatt, Mazzei, Myers, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski and Treat.--34.

Nay: Ballenger, Bass, Ellis, Garrison, Lerblance, Wilson and Wyrick.--7.

Excused: Adelson, David, Johnson (C), Jolley, Newberry, Reynolds and Sykes.--7.

The bill and emergency passed.

**HB 1267** was referred for engrossment.

### **GENERAL ORDER**

**HB 1229** by Ownbey and Dorman of the House and Simpson of the Senate was called up for consideration.

Senator Allen asked to coauthor **HB 1229**, which was the order.

Senator Simpson asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **HB 1229**.

Senator Simpson moved to amend **HB 1229**, Page 1, Line 13 ½, by inserting a new SECTION 1 to read as follows:

“SECTION 1. AMENDATORY Section 2, Chapter 59, O.S.L. 2009, as amended by Section 1, Chapter 293, O.S.L. 2009 (47 O.S. Supp. 2010, Section 14-103G), is amended to read as follows:

Section 14-103G. A. 1. The Department of Public Safety may issue an annual vehicle permit under the provisions of this subsection to a specific vehicle, for the movement of oversize or overweight loads that cannot reasonably be dismantled. Unless otherwise provided by law, permits issued under this subsection shall be subject to the conditions described in paragraphs 2 through 8 of this subsection.

2. Oversize or overweight loads operating under an annual vehicle permit shall not exceed:

- a. twelve (12) feet in width,
- b. fourteen (14) feet in height,
- c. one hundred ten (110) feet in length, or
- d. one hundred twenty thousand (120,000) pounds gross weight.

3. Oversize or overweight loads operating under an annual vehicle permit under this subsection shall not transport a load that has more than a twenty-five-foot front overhang, or more than a thirty-foot rear overhang.

4. The fee for an annual vehicle permit shall be Four Thousand Dollars (\$4,000.00) and shall be nonrefundable.

5. The annual vehicle permit shall be issued for one (1) calendar year period and shall commence upon the date specified on the permit.

6. An annual vehicle permit issued pursuant to this subsection shall be nontransferable between permittees.

7. The permitted vehicle or vehicle combination shall be registered in accordance with the provisions of Chapter 14 of ~~Title 47 of the Oklahoma Statutes~~ this title for maximum weight.

8. An annual vehicle permit issued pursuant to this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

- a. the permitted vehicle is destroyed or otherwise becomes permanently inoperable to the extent that the vehicle will no longer be utilized, and the permittee presents proof to the Department of Public Safety that the negotiable certificate of title or other qualifying documentation has been surrendered to the Department of Public Safety, or
- b. the certificate of title to the permitted vehicle is transferred to someone other than the permittee, and the permittee presents proof to the Department of Public Safety that the negotiable certificate of title or other qualifying documentation has been transferred from the permittee.

9. A permit issued for loads specific to turbine blades, used for the purpose of wind generation, may exceed a length of one hundred ten (110) feet.

B. 1. The Department of Public Safety may issue an annual vehicle permit under this subsection to a specific motor carrier, for the movement of oversize or overweight loads that cannot reasonably be dismantled. An annual vehicle permit issued under this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

- a. that no more than one vehicle is operating at a time, and
- b. the original certified permit is carried in the vehicle that is being operated under the terms of the permit.

2. An annual vehicle permit issued under this subsection shall be sent to the permittee via first-class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual vehicle permit shall not be duplicated. The annual vehicle permit shall be replaced only if:

- a. the permittee did not receive the original permit within seven (7) business days after the date of issuance,

- b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and
- c. the request for replacement is accompanied by a notarized statement signed by a principal or officer of the permittee acknowledging that the permittee understands the permit may not be duplicated and that if the original permit is located, the permittee shall return either the original or replacement permit to the Department of Public Safety.

3. A request for replacement of an annual vehicle permit issued pursuant to the provisions of this subsection shall be denied if the Department of Public Safety can verify that the permittee received the original annual vehicle permit.

4. Lost, misplaced, damaged, destroyed, or otherwise unusable annual vehicle permits shall not be replaced. A new permit shall be required and shall be issued by the Department of Public Safety.

C. 1. The Department of Public Safety shall issue an annual vehicle permit under this subsection to a transportation company or manufacturer of portable buildings solely for the movement of oversize portable buildings for a specific manufacturer of portable buildings. An annual vehicle permit issued under this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

- a. that no more than one vehicle is operating at a time, and
- b. the original certified permit is carried in the vehicle that is being operated under the terms of the permit.

2. Oversize loads operating under an annual vehicle permit issued pursuant to this subsection shall not exceed:

- a. twelve (12) feet in width at the wall with no more than a three-inch-eave overhang, or
- b. fourteen (14) feet in height.

3. The total gross weight of oversize loads operating under an annual vehicle permit issued pursuant to this subsection shall not exceed fifty-six thousand (56,000) pounds.

4. The fee for an annual vehicle permit issued pursuant to this subsection shall be Five Hundred Dollars (\$500.00) and shall be nonrefundable.

5. An annual vehicle permit issued under this subsection shall be sent to the permittee via first-class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual vehicle permit shall not be duplicated. The annual vehicle permit shall be replaced only if:

- a. the permittee did not receive the original permit within seven (7) business days after the date of issuance,
- b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and
- c. the request for replacement is accompanied by a notarized statement signed by a principal or officer of the permittee acknowledging that the permittee understands the permit may not be duplicated and that if the original permit is located, the permittee shall return either the original or replacement permit to the Department of Public Safety.

6. A request for replacement of an annual vehicle permit issued pursuant to the provisions of this subsection shall be denied if the Department of Public Safety can verify that the permittee received the original annual vehicle permit.

7. Lost, misplaced, damaged, destroyed, or otherwise unusable annual vehicle permits shall not be replaced. A new permit shall be required and shall be issued by the Department of Public Safety.”, and by amending the title to conform, which amendment was declared adopted.

Senator Simpson moved that **HB 1229** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1229** 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, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Justice, Laster, Lerblance, Marlatt, Myers, Nichols, Paddack, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--40.

Excused: Adelson, David, Johnson (C), Jolley, Mazzei, Newberry, Reynolds and Sykes.--8.

The bill and emergency passed.

**HB 1229** was referred for engrossment.

### **GENERAL ORDER**

**HB 1575** by Martin (Scott) of the House and Paddack of the Senate was called up for consideration.

Senator Fields asked to coauthor **HB 1575**, which was the order.

Senator Paddack moved that **HB 1575** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1575** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Justice, Laster, Lerblance, Marlatt, Myers, Nichols, Paddack, Rice, Russell, Schulz, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--39.

Excused: Adelson, David, Johnson (C), Jolley, Mazzei, Newberry, Reynolds, Shortey and Sykes.--9.

The bill passed.

**HB 1575** was referred for engrossment.

### **GENERAL ORDER**

**HB 1308** by Richardson and Ritze of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HB 1308** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1308** 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, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Justice, Laster, Lerblance, Marlatt, Myers, Nichols, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Treat, Wilson and Wyrick.--39.

Excused: Adelson, David, Johnson (C), Jolley, Mazzei, Newberry, Paddack, Reynolds and Sykes.--9.

The Chair advised that Senator Paddack, having been present in the Chamber during the vote on **HB 1308** and the emergency would be shown voting Nay in compliance with Rule 15-1B. The vote thereby resulted as follows: Aye: 39; Nay: 1; Excused: 8.

The bill and emergency passed.

**HB 1308** 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 25, 2011, at 1:30 p.m., which motion prevailed.

**SECOND READING**

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

**HB 1527** – Redistricting

**MESSAGE FROM THE GOVERNOR**

Advising her approval April 20, 2011, of Enrolled **SBs 12, 170, 547** and **801**.

Pursuant to the Schulz motion, the Senate adjourned at 3:35 p.m. to meet Monday, April 25, 2011, at 1:30 p.m.