

# Senate Journal

## Second Regular Session of the Fifty-first Legislature of the State of Oklahoma

Sixth Legislative Day, Tuesday, February 12, 2008

The Senate was called to order by Senator Jolley.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason, McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.—48.

Senator Jolley declared a quorum present.

The prayer was offered by Reverend Darrell Meadow, Westside Holiness Church, Claremore, the guest of Senator Burrage.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SCR 50** was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 53** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed resolution:

**SCR 49** - coauthored by Bighorse, Cannaday, Collins, Gilbert, Glenn, Hoskin, Kiesel, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McMullen, McPeak, Proctor, Renegar, Shoemake, Walker

The above-numbered measure was referred for enrollment.

Advising passage of and transmitting for consideration Engrossed **HBs 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308** and **2309** and **HCR 1056**.

**HB 2284** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( State Election Board – appropriations – effective date – emergency )

**HB 2285** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( State Election Board – appropriations - effective date – emergency )

**HB 2286** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Ethics Commission – appropriation – effective date – emergency )

**HB 2287** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Ethics Commission – appropriation - effective date – emergency )

**HB 2288** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma Arts Council – appropriation - effective date – emergency )

**HB 2289** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma Arts Council – appropriation – effective date – emergency )

**HB 2290** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( State Board of Career and Technology Education – appropriation - effective date – emergency )

**HB 2291** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( State Board of Career and Technology Education - appropriation – expenditure - effective date -emergency )

**HB 2292** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( education – State Board of Education – apportionment – effective date – emergency )

**HB 2293** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( education – appropriations - State Board of Education - effective date – emergency )

**HB 2294** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Oklahoma Educational Television Authority – appropriation - effective date - emergency )

**HB 2295** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Oklahoma Educational Television Authority - appropriation - effective date – emergency )

**HB 2296** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Oklahoma State Regents for Higher Education – appropriations – effective date – emergency )

**HB 2298** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Oklahoma Historical Society - appropriation - effective date - emergency )

**HB 2299** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Oklahoma Historical Society - appropriation - effective date – emergency )

**HB 2300** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( J.M. Davis Memorial Commission – appropriation - effective date – emergency )

**HB 2301** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( J.M. Davis Memorial Commission – appropriation - effective date – emergency )

**HB 2302** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Commissioners of the Land Office - appropriation - effective date - emergency )

**HB 2303** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Commissioners of the Land Office – appropriation – effective date – emergency )

**HB 2304** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Oklahoma Department of Libraries – appropriation - effective date – emergency )

**HB 2305** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma Department of Libraries – appropriation - effective date -emergency )

**HB 2306** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Physician Manpower Training Commission - appropriations - effective date – emergency )

**HB 2307** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Physician Manpower Training Commission – appropriations - effective date – emergency )

**HB 2308** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma Board of Private Vocational Schools - expenditures - effective date – emergency )

**HB 2309** – By Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma Board of Private Vocational Schools – expenditures – effective date – emergency )

**HCR 1056** – By Pittman of the House and Eason McIntyre of the Senate.

A Concurrent Resolution recognizing the eighth annual observance of the National Black HIV/AIDS (Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome) Awareness Day on February 7, 2008.

The above-numbered measures were read the first time.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1711** was adopted upon motion of Senator Wilson.

**HB 1711**, as amended in conference, was read at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Adelson and Crain.--2.

The bill passed.

**HB 1711**, together with the conference committee report thereon, was ordered returned to the Honorable House.

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

The following bill will be reassigned as follows:

**SB 1010** – Withdrawn from Business and Labor and referred to General Government.

**SB 1656** – Withdrawn from Retirement and Insurance and referred to Health and Human Resources.

**SB 1497** – Withdrawn from Retirement and Insurance and referred to Rules.

**SB 1908** – Withdrawn from Finance and referred to Rules.

#### **MESSAGE FROM THE HOUSE**

Advising the signing of and returning Enrolled **SCR 50**.

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

#### **EXECUTIVE NOMINATIONS**

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

Benson, Tony, Idabel, as a member of the Oklahoma Tourism and Recreation Commission - Tourism and Wildlife

Holcombe, David Lee, Jay, as a member of the State Board of Agriculture - Agriculture and Rural Development

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 13, 2008, 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:

**SB 1582** – Agriculture and Rural Development, coauthored by Shoemake (principal House author)

Ayes: Barrington, Crutchfield, Ford, Garrison, Ivester, Justice, Rabon, Schulz, Sykes, Wilson, Wyrick

**SB 1585** – Education, coauthored by Ingmire (principal House author)

Ayes: Branan, Corn, Eason McIntyre, Jolley, Lerblance, Mazzei, Paddack, Reynolds, Wilcoxson, Williamson

**SB 1686** – Education, coauthored by Gumm of the Senate, and coauthored by McDaniel (Jeannie) (principal House author)

Ayes: Branan, Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Mazzei, Nichols, Paddack, Reynolds, Williamson

Nays: Wilcoxson

## DO PASS, As Amended:

**SB 1186** – Education, coauthored by Coody (principal House author)

Ayes: Branan, Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Nichols, Paddack, Reynolds, Riley, Sparks

Nays: Mazzei, Wilcoxson, Williamson

**CS for SB 1442** – Education, coauthored by Shoemake (principal House author)

Ayes: Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Mazzei, Paddack, Reynolds, Riley, Sparks, Wilcoxson, Williamson

**SB 1453** – Business and Labor, coauthored by Adkins (principal House author)

Ayes: Adelson, Brogdon, Burrage, Coates, Johnson (Mike), Leftwich, Myers, Rice

**SB 1694** – Education, coauthored by Jones (principal House author)

Ayes: Branan, Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Mazzei, Nichols, Paddack, Reynolds, Riley, Sparks, Wilcoxson, Williamson

**SB 1794** – Business and Labor, coauthored by Derby (principal House author)

Ayes: Adelson, Brogdon, Burrage, Coates, Johnson (Mike), Leftwich, Myers, Rice

**SB 1880** – Education, coauthored by Jones (principal House author)

Ayes: Branan, Eason McIntyre, Jolley, Lerblance, Mazzei, Paddack, Reynolds, Wilcoxson, Williamson

**SECOND READING**

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

- SB 1139** – Business and Labor
- SB 1163** – Rules
- SB 1166** – Appropriations
- SB 1175** – Rules
- SB 1183** – Appropriations
- SB 1187** – Appropriations
- SB 1188** – Appropriations
- SB 1382** – Finance
- SB 1387** – Rules
- SB 1391** – Rules
- SB 1393** – Transportation
- SB 1397** – Rules
- SB 1410** – Energy and Environment
- SB 1425** – Agriculture and Rural Development
- SB 1427** – Rules
- SB 1450** – Rules
- SB 1458** – Appropriations
- SB 1459** – Rules
- SB 1465** – Appropriations
- SB 1469** – Appropriations
- SB 1475** – Appropriations
- SB 1480** – Rules
- SB 1484** – Rules
- SB 1486** – Rules
- SB 1493** – Rules
- SB 1501** – Rules
- SB 1510** – Rules
- SB 1516** – Rules
- SB 1521** – Rules
- SB 1524** – Rules
- SB 1526** – Rules
- SB 1530** – Rules
- SB 1531** – Business and Labor
- SB 1533** – Business and Labor
- SB 1538** – Rules
- SB 1544** – Rules
- SB 1545** – Rules
- SB 1558** – Energy and Environment
- SB 1567** – Public Safety and Homeland Security
- SB 1568** – Appropriations

**SB 1569** – Rules  
**SB 1584** – Rules  
**SB 1586** – Rules  
**SB 1598** – Criminal Jurisprudence  
**SB 1610** – Rules  
**SB 1613** – Judiciary  
**SB 1625** – Appropriations  
**SB 1631** – Rules  
**SB 1632** – Judiciary  
**SB 1637** – Rules  
**SB 1638** – Rules  
**SB 1649** – Rules  
**SB 1658** – Energy and Environment  
**SB 1659** – Judiciary  
**SB 1708** – Rules  
**SB 1712** – Rules  
**SB 1720** – Judiciary  
**SB 1723** – Rules  
**SB 1737** – Rules  
**SB 1753** – Rules  
**SB 1774** – Appropriations  
**SB 1786** – Rules  
**SB 1802** – Retirement and Insurance  
**SB 1805** – Rules  
**SB 1806** – Rules  
**SB 1819** – Appropriations  
**SB 1827** – Rules  
**SB 1842** – Rules  
**SB 1854** – Rules  
**SB 1858** – Finance  
**SB 1860** – Rules  
**SB 1867** – Finance  
**SB 1875** – Business and Labor  
**SB 1884** – Appropriations  
**SB 1897** – Rules  
**SB 1914** – Retirement and Insurance  
**SB 1933** – Rules  
**SB 1944** – Rules  
**SB 1973** – Rules  
**SB 1977** – Appropriations  
**SB 1980** – Retirement and Insurance  
**SB 1986** – Rules  
**SB 2020** – Rules  
**SB 2032** – Rules



- SB 2038** – Rules
- SB 2039** – Rules
- SB 2040** – Appropriations
- SB 2052** – Rules
- SB 2053** – Appropriations
- SB 2054** – Appropriations
- SB 2055** – Rules
- SB 2056** – Judiciary
- SB 2057** – Finance
- SB 2058** – Rules
- SB 2059** – Rules
- SB 2060** – Rules
- SB 2061** – Finance
- SB 2062** – Rules
- SB 2063** – Appropriations
- SB 2064** – Rules
- SB 2065** – Rules
- SB 2066** – Appropriations
- SB 2067** – Criminal Jurisprudence
- SB 2068** – Finance
- SB 2069** – Judiciary
- SB 2070** – General Government
- SB 2071** – Appropriations
- SB 2072** – Rules
- SB 2073** – Rules
- SB 2074** – Health and Human Resources
- SB 2075** – Appropriations
- SB 2076** – Appropriations
- SB 2077** – Finance
- SB 2078** – Finance
- SB 2079** – Finance
- SB 2080** – Finance
- SB 2081** – Rules
- SB 2082** – Appropriations
- SB 2083** – Appropriations
- SB 2084** – Rules
- SB 2085** – Appropriations
- SB 2086** – Public Safety and Homeland Security
- SB 2087** – Rules
- SB 2088** – Rules
- SB 2089** – Rules
- SB 2090** – Finance
- SB 2091** – Finance
- SB 2092** – Rules

**SB 2093** – Finance  
**SB 2094** – Rules  
**SB 2095** – Rules  
**SB 2096** – Rules  
**SB 2097** – Rules  
**SB 2098** – Appropriations  
**SB 2099** – Appropriations  
**SB 2100** – Appropriations  
**SB 2101** – Appropriations  
**SB 2102** – Retirement and Insurance  
**SB 2103** – Appropriations  
**SB 2104** – Rules  
**SB 2105** – Finance  
**SB 2106** – Finance  
**SB 2107** – Judiciary  
**SB 2108** – Judiciary  
**SB 2109** – Rules  
**SB 2110** – Rules  
**SB 2111** – Agriculture and Rural Development  
**SB 2112** – Finance  
**SB 2113** – Rules  
**SB 2114** – Rules  
**SB 2115** – Energy and Environment  
**SB 2116** – Energy and Environment  
**SB 2117** – Retirement and Insurance  
**SB 2118** – Retirement and Insurance  
**SB 2119** – Retirement and Insurance  
**SB 2120** – Appropriations  
**SB 2121** – Appropriations  
**SB 2122** – Retirement and Insurance  
**SB 2123** – Retirement and Insurance  
**SB 2124** – Appropriations  
**SB 2125** – Appropriations  
**SB 2126** – Rules  
**SB 2127** – Rules  
**SB 2128** – Rules  
**SB 2129** – Finance  
**SB 2130** – Appropriations  
**SB 2131** – Appropriations  
**SB 2132** – Rules  
**SB 2133** – Business and Labor  
**SB 2134** – Business and Labor  
**SB 2135** – Rules  
**SB 2136** – Rules

- SB 2137** – Finance
- SB 2138** – Rules
- SB 2139** – Appropriations
- SB 2140** – Rules
- SB 2141** – Appropriations
- SB 2142** – Judiciary
- SB 2143** – Retirement and Insurance
- SB 2144** – Appropriations
- SB 2145** – Retirement and Insurance
- SB 2146** – Rules
- SB 2147** – Appropriations
- SB 2148** – Rules
- SB 2149** – Rules
- SB 2150** – Appropriations
- SB 2151** – Judiciary
- SB 2152** – Appropriations
- SB 2153** – Finance
- SB 2154** – Appropriations
- SB 2155** – Judiciary
- SB 2156** – Retirement and Insurance
- SB 2157** – Retirement and Insurance
- SB 2158** – Retirement and Insurance
- SB 2159** – Retirement and Insurance
- SB 2160** – Judiciary
- SB 2161** – Appropriations
- SB 2162** – Appropriations
- SB 2163** – Judiciary
- SB 2164** – Appropriations
- SB 2165** – Appropriations
- SB 2166** – Appropriations
- SB 2167** – Appropriations
- SB 2168** – Retirement and Insurance
- SB 2169** – Retirement and Insurance
- SB 2170** – Retirement and Insurance
- SB 2171** – Judiciary
- SB 2172** – Rules
- SB 2173** – Appropriations
- SB 2174** – Judiciary
- SB 2175** – Rules
- SB 2176** – Appropriations
- SB 2177** – Rules
- SB 2178** – Rules
- SB 2179** – Rules
- SB 2180** – Retirement and Insurance

- SB 2181** – Rules
- SB 2182** – Appropriations
- SB 2183** – Rules
- SB 2184** – Rules
- SB 2185** – Finance
- SB 2186** – Judiciary
- SB 2187** – Rules
- SB 2188** – Rules
- SB 2189** – Rules
- SB 2190** – Appropriations
- SB 2191** – Rules
- SB 2192** – Rules
- SB 2193** – Rules
- SB 2194** – Judiciary
- SB 2195** – Rules
- SB 2196** – Rules
- SB 2197** – Rules
- SB 2198** – Rules
- SB 2199** – Rules

Pursuant to the Laster motion, the Senate adjourned at 1:50 p.m. to meet Wednesday, February 13, 2008, at 1:30 p.m.