

Senate Journal

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

Tenth Legislative Day, Tuesday, February 19, 2008

The Senate was called to order by Senator Brogdon.

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 (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.—47.

Excused: Johnson (C).—1.

Senator Brogdon declared a quorum present.

The prayer was offered by Reverend Dr. Michelle Moulden, Vernon AME Church, Tulsa, the guest of Senator Eason McIntyre.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2650, 2758 and 2935.**

HB 2384 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Health Care Authority - appropriations - effective date – emergency)

HB 2385 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Health Care Authority - appropriation - effective date – emergency)

HB 2386 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(State Department of Health – appropriation - effective date – emergency)

HB 2387 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(State Department of Health – appropriation – effective date – emergency)

HB 2388 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(J.D. McCarty Center for Children with Developmental Disabilities – appropriation - effective date – emergency)

HB 2389 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(J.D. McCarty Center for Children with Developmental Disabilities - appropriation - effective date – emergency)

HB 2390 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Department of Mental Health and Substance Abuse Services – appropriation – effective date – emergency)

HB 2391 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Department of Mental Health and Substance Abuse Services – appropriation - effective date – emergency)

HB 2392 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(University Hospitals Authority - appropriation - effective date – emergency)

HB 2393 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(University Hospitals Authority - appropriation - effective date – emergency)

HB 2394 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Department of Veterans Affairs – appropriation - effective date – emergency)

HB 2395 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Department of Veterans Affairs - appropriation - effective date – emergency)

HB 2396 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Commission on Children and Youth - appropriation - effective date – emergency)

HB 2397 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Commission on Children and Youth - appropriation - effective date – emergency)

HB 2398 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of Disability Concerns - appropriation - effective date – emergency)

HB 2399 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of Disability Concerns - appropriation - effective date – emergency)

HB 2400 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Human Rights Commission - appropriation - effective date – emergency)

HB 2401 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Human Rights Commission – appropriation - effective date – emergency)

HB 2402 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Department of Human Services - appropriation - effective date – emergency)

HB 2403 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Department of Human Services – appropriation – effective date – emergency)

HB 2404 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Indian Affairs Commission - appropriation - effective date – emergency)

HB 2405 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Indian Affairs Commission – appropriation -effective date – emergency)

HB 2406 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of Juvenile Affairs - appropriation - effective date – emergency)

HB 2407 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Office of Juvenile Affairs – appropriation – effective date – emergency)

HB 2650 – By Inman, Cannaday and McAffrey of the House and Aldridge of the Senate.

An Act relating to schools; amending Section 1, Chapter 29, O.S.L. 2005, as amended by Section 1, Chapter 258, O.S.L. 2007 (70 O.S. Supp. 2007, Section 11-103.9), which relates to physical education program requirements; deleting obsolete language; allowing school districts to exclude certain students from physical education or exercise programs requirements; providing an effective date; and declaring an emergency.

HB 2758 – By Cox, Wright, Armes, Peterson (Pam) and McAffrey of the House and Paddack of the Senate.

An Act relating to public health and safety; amending Section 5, Chapter 459, O.S.L. 2004 (63 O.S. Supp. 2007, Section 1-2530.4), which relates to the Oklahoma Trauma Systems Improvement and Development Advisory Council; adding certain member; and providing an effective date.

HB 2935 – By Nations and Shumate of the House and Sparks of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 5-145, as amended by Section 1, Chapter 351, O.S.L. 2005 (70 O.S. Supp. 2007, Section 5-145), which relates to school foundations; clarifying statutory language; allowing a school district to provide office or business space on school property to a school foundation; requiring board of education approval; and declaring an emergency.

The above-numbered measures were read the first time.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senators Laughlin and Laster, the request of the Honorable House for conference on **HB 1739** was ordered granted and Senate conferees appointed as follows: Senators Bingman, Myers, Laughlin, Gumm, Paddack and Crutchfield.

UNANIMOUS CONSENT REQUEST WITHDRAWN FROM CALENDAR

Senator Laster asked unanimous consent, which was granted, that **SB 540** and **HB 1006** be stricken from the Calendar.

CHANGE IN COMMITTEE ASSIGNMENTS

The following bills will be reassigned as follows:

SB 1428 – Withdrawn from Rules and referred to Retirement and Insurance.

SB 1631 – Withdrawn from Rules and referred to Energy and Environment.

SB 2084 – Withdrawn from Rules and referred to Tourism and Wildlife.

SB 2104 – Withdrawn from Rules and referred to Criminal Jurisprudence.

GENERAL ORDER

SB 1442 by Ballenger of the Senate and Shoemake of the House was called up for consideration.

Representative Turner asked to coauthor **SB 1442**, which was the order.

Senator Ballenger moved that **SB 1442** be advanced, which motion was declared adopted.

THIRD READING

SB 1442 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, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Johnson (C), Nichols and Paddack.--3.

The bill and emergency passed.

SB 1442 was referred for engrossment.

GENERAL ORDER

SB 1453 by Ballenger of the Senate and Adkins of the House was called up for consideration.

Senator Ballenger moved that **SB 1453** be advanced, which motion was declared adopted.

THIRD READING

SB 1453 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, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Johnson (C), Nichols and Paddack.--3.

The bill and emergency passed.

SB 1453 was referred for engrossment.

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 20, 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 1155 – Transportation, coauthored by Armes (principal House author), and coauthored by Dorman, Shannon of the House

Ayes: Anderson, Branan, Brogdon, Coates, Crutchfield, Ford, Garrison, Justice, Leftwich, Myers, Rabon, Riley, Sweeden, Wyrick

SB 1633 – Transportation, coauthored by Hyman (principal House author)

Ayes: Anderson, Branan, Brogdon, Coates, Crutchfield, Ford, Garrison, Justice, Leftwich, Myers, Rabon, Riley, Sweeden, Wyrick

SB 1894 – Transportation, coauthored by Rabon of the Senate, and coauthored by Shoemake (principal House author)

Ayes: Anderson, Branan, Brogdon, Coates, Crutchfield, Ford, Garrison, Justice, Leftwich, Myers, Rabon, Riley, Sweeden, Wyrick

DO PASS, As Amended:

CS for SB 686 – Business and Labor, coauthored by Dorman (principal House author), and coauthored by Liebmann of the House

Ayes: Burrage, Coates, Johnson (Mike), Leftwich, Rice

Nays: Brogdon, Myers

SB 1139 – Business and Labor, coauthored by Richardson (principal House author)

Ayes: Adelson, Brogdon, Burrage, Coates, Leftwich, Myers, Rice

SB 1407 – Retirement and Insurance, coauthored by Cox (principal House author)

Ayes: Aldridge, Bass, Brown, Corn, Jolley, Mazzei, Riley, Sparks, Sykes

Nays: Adelson

SB 1506 – Transportation, coauthored by Jones (principal House author), and coauthored by Sherrer of the House

Ayes: Anderson, Branan, Brogdon, Coates, Crutchfield, Ford, Garrison, Justice, Leftwich, Myers, Rabon, Riley, Sweeden, Wyrick

SB 1531 – Business and Labor, coauthored by McDaniel (Randy) (principal House author)

Ayes: Adelson, Burrage, Coates, Leftwich, Myers, Rice

Nays: Brogdon, Johnson (Mike)

SB 1533 – Business and Labor, coauthored by Watson (principal House author)

Ayes: Brogdon, Burrage, Coates, Leftwich, Myers

Nays: Johnson (Mike)

SB 1549 – Judiciary, coauthored by Cox (principal House author)

Ayes: Adelson, Bass, Crain, Eason McIntyre, Lerblance, Sykes, Williamson

SB 1579 – Business and Labor, coauthored by Martin (Steve) (principal House author)

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

SB 1603 – Business and Labor, coauthored by Ingmire (principal House author)

Ayes: Burrage, Coates, Leftwich, Rice

Nays: Brogdon, Johnson (Mike), Myers

SB 1654 – Business and Labor, coauthored by Thompson (principal House author)

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

SB 1875 – Business and Labor, coauthored by Cox (principal House author)

Ayes: Adelson, Burrage, Leftwich, Myers, Rice

Nays: Brogdon, Coates, Johnson (Mike)

SB 2037 – Education, coauthored by Peterson (Ron) (principal House author)

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

SB 2133 – Business and Labor, coauthored by Ballenger of the Senate, and coauthored by Hilliard (principal House author)

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

FIRST READING

The following were introduced and read the first time:

SCR 53 – By Ford of the Senate and Cox of the House.

A Concurrent Resolution recognizing the J.D. McCarty Center's excellence; praising those who have helped the J.D. McCarty Center; declaring October 6, 2008, J.D. McCarty Center Day in the State of Oklahoma; and directing distribution.

SR 54 – By Mazzei.

A Resolution urging the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarch; and directing distribution.

Pursuant to the Laster motion, the Senate adjourned at 2:00 p.m. to meet Wednesday, February 20, 2008, at 1:30 p.m.