

Senate Journal

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

Thirty-fifth Legislative Day, Thursday, April 3, 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, Ivester, Johnson (C), 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: Gumm and Johnson (M).—2.

Senator Jolley declared a quorum present.

The prayer was offered by Reverend Bud Ross, Central Church of Christ, Ada, the guest of Senator Paddack.

PENDING CONSIDERATION OF HAS

HAs to **SB 1294** were concurred in upon motion of Senator Crutchfield.

SB 1294, as amended by the Honorable House, was read 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, Ivester, Johnson (C), 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: Gumm and Johnson (M).--2.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Morgan asked unanimous consent to suspend Rule 6-4 and refer **SR 69** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 69 by Morgan and Coffee was called up for consideration.

All other members of the Senate asked to coauthor **SR 69**, which was the order.

SR 69 was adopted upon motion of Senator Morgan and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1354** were concurred in upon motion of Senator Crutchfield.

Senators Jolley, Aldridge, Sykes, Schulz, Barrington, Branan, Reynolds, Mazzei, Bingman, Brown, Crain, Justice, Wilcoxson, Coates, Laughlin, Lamb, Ford and Nichols asked to coauthor **SB 1354**, which was the order.

SB 1354, as amended by the Honorable House, was read 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, Ivester, Johnson (C), 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: Gumm and Johnson (M).--2.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAs

HAs to **SB 1365** were concurred in upon motion of Senator Crutchfield.

SB 1365, as amended by the Honorable House, was read 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Coffee, Gumm, Johnson (M) and Morgan.--4.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Mazzei asked unanimous consent to suspend Rule 6-4 and refer **SCR 69** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 69 by Mazzei and Williamson of the Senate and Peterson (Pam) of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 69**, which was the order.

SCR 69 was adopted upon motion of Senator Mazzei and referred for engrossment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Sykes asked unanimous consent to suspend Rule 6-4 and refer **HCR 1071** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1071 by Terrill and Wesselhoft of the House and Sykes of the Senate was called up for consideration.

Senators Wilcoxson and Reynolds asked to coauthor **HCR 1071**, which was the order.

HCR 1071 was adopted upon motion of Senator Sykes and properly signed and ordered returned to the Honorable House.

Senator Brogdon presiding.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCR 1072**.

HCR 1072 – By Dorman, Johnson (Rob), Morgan, Sullivan, Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, DeWitt, Denney, Derby, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen and Wright of the House and Jolley of the Senate.

A Concurrent Resolution congratulating the Oklahoma Intercollegiate Legislature on the occasion of its 40th legislative session; commending its contributions to the state; and directing distribution.

The above-numbered measure was read the first time.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to suspend Rule 6-4 and refer **HCR 1072** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1072 by Dorman et al of the House and Jolley of the Senate was called up for consideration.

All other members of the Senate, except Senator Sykes, asked to coauthor **HCR 1072**, which was the order.

HCR 1072 was adopted upon motion of Senator Jolley and properly signed and ordered returned to the Honorable House.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1294, 1354 and 1365 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 2202, 2203, 2204, 2205, 2206, 2208 and 2209**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1070**.

HCR 1070 – By Armes, Adkins, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen and Wright of the House and Barrington of the Senate.

A Concurrent Resolution designating April 2, 2008, as “4-H Day” at the Oklahoma State Capitol; urging the people of the state to become more aware of this special program; and directing distribution.

The above-numbered measure was read the first time.

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

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

SB 1214

SB 1215

SB 1250

SB 1251

SB 1284

SB 1285

SB 1288

SB 1289

SB 1292

SB 1293

SB 1295

SB 1300

SB 1301

SB 1302

SB 1303

SB 1306

SB 1307

SB 1308

SB 1309

SB 1878 - coauthored by McCullough, Banz, Billy, Cooksey, Denney, Duncan, Hamilton, McNiel, Reynolds, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Worthen and Wright of the House

House amendments were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1071**.

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

Advising fourth reading of and returning Enrolled **SBs 1294, 1354 and 1365**.

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

CHANGE IN COMMITTEE ASSIGNMENT

The following bill will be reassigned as follows:

HB 2568 – Withdrawn from Judiciary and referred to Health and Human Resources.

EXECUTIVE NOMINATIONS

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

Evans, Sandy, Oklahoma City, as a member of the Oklahoma Arts Council - Tourism and Wildlife

Roland, Odell, Tulsa, as a member of the Commission on Consumer Credit - Business and Labor

Tolbert, Miles, Oklahoma City, as a member of the Arkansas-Oklahoma Arkansas River Compact Commission - Energy and Environment

Wood, Gail, Stonewall, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Resources

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 7, 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:

HB 1820 – Judiciary

Ayes: Adelson, Crain, Lamb, Lerblance, Sykes, Williamson

HB 2245 – Judiciary

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

HB 2522 – Judiciary

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

HB 2573 – Judiciary

Ayes: Crain, Eason McIntyre, Lamb, Sykes, Williamson

Nays: Adelson, Bass, Lerblance

HB 2606 – Criminal JurisprudenceAyes: Brown, Johnson (Constance), Justice, Lamb, Mazzei, Rice, Sykes, Wilcoxson,
Wyrick**HB 2639** – Judiciary, coauthored by Sykes of the Senate

Ayes: Adelson, Crain, Eason McIntyre, Lamb, Sykes, Williamson

Nays: Bass, Lerblance

HB 2749 – Judiciary

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

HB 2765 – Judiciary

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

HB 3031 – Judiciary, coauthored by Crain, Sykes of the Senate

Ayes: Adelson, Crain, Lamb, Lerblance, Sykes, Williamson

HB 3050 – Judiciary

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

HB 3354 – FinanceAyes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack,
Reynolds, Sparks, Wilcoxson, Wilson**HJR 1082** – Judiciary

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

DO PASS, As Amended:

CS for HB 1418 – Finance, remove Bass and substitute Wilson as principal Senate author, and coauthored by Corn, Gumm of the SenateAyes: Aldridge, Corn, Gumm, Johnson (Mike), Mazzei, Nichols, Paddack, Reynolds,
Sparks, Wilcoxson, Wilson**HB 1460** – Judiciary

Ayes: Adelson, Crain, Eason McIntyre, Lamb, Sykes, Williamson

Nays: Bass, Lerblance

HB 2458 – Judiciary, coauthored by Steele of the House

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

HB 2580 – Judiciary

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

HB 2583 – Finance

Ayes: Corn, Gumm, Ivester, Johnson (Mike), Nichols, Paddack, Reynolds, Sparks,
Wilson

Nays: Aldridge, Mazzei, Wilcoxson

HB 2587 – Judiciary

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

Nays: Sykes

HB 2631 – Judiciary

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

HB 2714 – Finance

Ayes: Aldridge, Corn, Gumm, Ivester, Nichols, Paddack, Reynolds, Sparks,
Wilcoxson, Wilson

Nays: Johnson (Mike), Mazzei

HB 2715 – Judiciary

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

HB 2726 – Judiciary

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

HB 2819 – Judiciary

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

HB 2833 – Finance, coauthored by Williamson of the Senate

Ayes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Paddack, Reynolds,
Sparks, Wilcoxson, Wilson

HB 2963 – Judiciary

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

HB 3114 – Finance

Ayes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack,
Reynolds, Sparks, Wilcoxson, Wilson

HB 3239 – Finance

Ayes: Aldridge, Corn, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack, Sparks,
Wilson

Nays: Gumm, Reynolds, Wilcoxson

HB 3275 – Judiciary

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

HB 3352 – Finance, coauthored by Peterson (Pam) of the House

Ayes: Aldridge, Corn, Gumm, Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

HJR 1014 – Finance

Ayes: Corn, Gumm, Ivester, Johnson (Mike), Paddack, Sparks, Wilcoxson, Wilson
Nays: Aldridge, Mazzei, Nichols, Reynolds

FAILED:

HB 2722 – Judiciary

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

SECOND READING

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

HB 2254 through **HB 2258** – Direct To Calendar

HB 2260 through **HB 2439** – Direct To Calendar

FIRST READING

The following were introduced and read the first time:

SCR 64 – By Corn of the Senate and Brannon and Smithson of the House.

A Concurrent Resolution requesting the President of the United States open the Strategic Petroleum Reserve for increased sales and to formulate a national energy policy; requesting the Congress to investigate the profits of energy industries; and directing distribution.

SCR 70 – By Johnson (Constance) of the Senate and Shelton of the House.

A Concurrent Resolution congratulating the Star Spencer Lady Bobcats for winning the Class 4A State Basketball Championship; commending their record; and directing distribution.

SR 70 – By Rice and Sparks.

A Resolution honoring the memory of the late S. J. Sarkeys; praising the Sarkeys Foundation for its many contributions to the state; and directing distribution.

Pursuant to the Laster motion, the Senate adjourned at 10:30 a.m. to meet Monday, April 7, 2008, at 1:30 p.m.