

Senate Journal

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

Thirty-seventh Legislative Day, Tuesday, April 8, 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 (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 Brogdon declared a quorum present.

The prayer was offered by Pastor Michael Goldsmith, The Assembly, Broken Arrow, the guest of Senator Mazzei.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 65 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SCRs 45 and 55 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 63 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

GENERAL ORDER

HB 2758 by Cox et al of the House and Paddack of the Senate was called up for consideration.

Senator Paddack moved that **HB 2758** be advanced, which motion was declared adopted.

THIRD READING

HB 2758 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, 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, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson and Wilson.--43.

Excused: Mazzei, Rabon, Rice, Wilcoxson and Wyrick.--5.

The bill passed.

Pursuant to Rule 13-22, Senator Paddack served notice that the vote be reconsidered whereby **HB 2758** passed.

Senator Williamson presiding.

GENERAL ORDER

HB 3060 by Hamilton et al of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved to amend **HB 3060**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Gumm moved that **HB 3060** be advanced, which motion was declared adopted.

THIRD READING

HB 3060 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 (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--44.

Excused: Mazzei, Rabon, Rice and Wilcoxson.--4.

The bill and emergency passed.

HB 3060 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising the Honorable Senate that the House of Representatives is ready to convene in Joint Session.

Senator Laster moved that the Senate meet with the House in Joint Session, and that the Senate recess until the call of the Chair, which motion was declared adopted.

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JOINT SESSION

The Third Joint Session of the Second Regular Session of the Fifty-first Legislature assembled in the House Chamber on Tuesday, April 8, 2008, and was called to order by Lieutenant Governor Jari Askins.

Senator Laster moved that the attendance roll call of the Senate be considered the roll call of the Senate in Joint Session, which was the order.

Representative Piatt moved that the attendance roll call of the House be considered the roll call of the House in Joint Session, which was the order.

Lieutenant Governor Askins declared quorums of the Senate and House present and the Joint Session duly assembled.

Invocation was offered by Dr. Andy Bowman, Keys Baptist Church, Park Hill.

Posting of the Colors was presented by the Thunderbird Youth Academy Honor Guard.

Lieutenant Governor Askins recognized Representative Rex Duncan. Lieutenant Colonel Duncan, a Member of the Oklahoma Army National Guard, addressed the Joint Session and introduced Adjutant General, Major General Harry M. Wyatt, III.

Major General Wyatt addressed the Joint Session and conducted the program commemorating the 45th Infantry Division Appreciation Day.

Major General Wyatt introduced The Honorable Brad Henry, Governor of the State of Oklahoma, who addressed the Joint Session.

Norman Lamb, Secretary of Veterans Affairs, read a formal Proclamation from Governor Henry recognizing 45th Appreciation Day and presented the Proclamation to Major General Wyatt.

Upon motion of Representative Piatt, the Joint Session was ordered dissolved at 10:20 a.m.

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The Senate reconvened with Senator Williamson presiding.

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

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 128

SB 551 - coauthored by Shumate, McAffrey, Pittman, Collins and Shelton

SB 1366

SB 1367

SB 1368

SB 1369

SB 1370

SB 1371

SB 1372

SB 1373

SB 1374

SB 1375

SB 1376

SB 1377

SB 1378

SB 1685

House amendments were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SB 1797 - coauthored by Kiesel, Roan, and Sherrer

The above-numbered measure was referred for enrollment.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2253, 2259, 2533, 2539 and 2958**.

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

Advising the signing of and returning Enrolled **SCRs 45 and 55**.

The above-numbered enrolled measures were transmitted to the Secretary of State.

GENERAL ORDER

HB 2974 by Hoskin et al of the House and Burrage of the Senate was called up for consideration.

Senator Burrage moved that **HB 2974** be advanced, which motion was declared adopted.

THIRD READING

HB 2974 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, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Myers, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweden, Sykes, Wilson and Wyrick.--40.

Nay: Brogdon, Reynolds, Wilcoxson and Williamson.--4.

Excused: Corn, Mazzei, Morgan and Nichols.--4.

The bill passed.

HB 2974 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2557 by Liebmann of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 2557** be advanced, which motion was declared adopted.

THIRD READING

HB 2557 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Coffee, Mazzei, Morgan and Nichols.--4.

The bill and emergency passed.

HB 2557 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2674 by Morgan of the House and Ivester of the Senate was called up for consideration.

Senator Ivester moved that **HB 2674** be advanced, which motion was declared adopted.

THIRD READING

HB 2674 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, 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, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Mazzei and Nichols.--2.

The bill passed.

HB 2674 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2226 by Smithson of the House and Corn of the Senate was called up for consideration.

Senator Rabon moved to amend **HB 2226**, Page 1, Line 24, by deleting after the word “are” the word and numerals “fifty-five (55)” and inserting in lieu thereof the word and numerals “sixty (60)”, and by amending the title to conform, which amendment was declared adopted.

Senator Corn moved that **HB 2226** be advanced, which motion was declared adopted.

THIRD READING

HB 2226 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, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wilson.--45.

Nay: Easley and Wyrick.--2.

Excused: Nichols.--1.

The bill and emergency passed.

HB 2226 was referred for engrossment.

INTRODUCTION

Senator Anderson introduced former Senator Robert Milacek to the Senate.

GENERAL ORDER

HB 2469 by Rousselot et al of the House and Garrison of the Senate was called up for consideration.

Senators Barrington and Johnson (Constance) asked to coauthor **HB 2469**, which was the order.

Senator Garrison moved that **HB 2469** be advanced, which motion was declared adopted.

THIRD READING

HB 2469 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 (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Nichols.--1.

The bill and emergency passed.

HB 2469 was referred for engrossment.

GENERAL ORDER

HB 3132 by Enns and Jett of the House and Barrington of the Senate was called up for consideration.

Senator Corn moved to amend **HB 3132**, Page 6, Line 13 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.5a-4 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. The Information Services Division of the Office of State Finance is authorized to:

1. Develop and publish a state policy and procedures for the destruction of all electronic storage media to ensure that all confidential information stored on such electronic media device is destroyed in a secure and safe manner;
2. Define the requirements for the secure destruction of electronic storage media;
3. Enter into a multiyear agreement with an organization that meets the defined requirements; and
4. Assist the Department of Central Services in implementing the policy and procedures for the destruction of state electronic storage media.

B. The Office of State Finance shall notify all agencies, boards, commissions and authorities of the policy and procedures for the secure and safe destruction of electronic storage media and the vendor selected to perform the destruction of the electronic storage media.

C. The Department of Central Services shall remove all electronic storage media from all surplus information technology and telecommunication equipment before it sold, donated, stored or destroyed. A state agency may remove electronic storage media from their surplus information technology and telecommunication equipment prior to sending the surplus to the Department of Central Services, so long as the agency has the technical expertise for removal and that the electronic storage media is sent for destruction pursuant to this subsection. The electronic storage media shall be sent to the organization selected in paragraph 3 of subsection A of this section to perform the destruction of the electronic storage media.

D. The Department of Central Services shall use existing and future funds from the sale of state surplus equipment and appropriations, as necessary, to pay for the destruction of electronic storage media.”, and by renumbering subsequent section and amending the title to conform, which amendment was declared adopted.

Senator Barrington moved that **HB 3132** be advanced, which motion was declared adopted.

THIRD READING

HB 3132 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 (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddock, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Nichols.--1.

The bill and emergency passed.

HB 3132 was referred for engrossment.

GENERAL ORDER

HB 2760 by Cox and Billy of the House and Crutchfield of the Senate was called up for consideration.

Senator Crutchfield moved that **HB 2760** be advanced, which motion was declared adopted.

THIRD READING

HB 2760 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Nay: Coffee.--1.

Excused: Johnson (M) and Nichols.--2.

The bill and emergency passed.

HB 2760 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 3278 by Duncan et al of the House and Burrage and Lamb of the Senate was called up for consideration.

Senator Burrage moved that **HB 3278** be advanced, which motion was declared adopted.

THIRD READING

HB 3278 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, 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.

The bill passed.

HB 3278 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 3123 by Jones of the House and Garrison of the Senate was called up for consideration.

Senator Garrison moved that **HB 3123** be advanced, which motion was declared adopted.

THIRD READING

HB 3123 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 (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.

The bill and emergency passed.

HB 3123 was referred for engrossment.

INTRODUCTION

Senator Wilson introduced former Senator Herb Rozell to the Senate.

PENDING CONSIDERATION OF HAs

HAs to SB 923 were concurred in upon motion of Senator Paddack.

SB 923, 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, 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.

The bill and emergency passed.

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

GENERAL ORDER

HB 2941 by Nations of the House and Sparks of the Senate was called up for consideration.

Senator Sparks moved that **HB 2941** be advanced, which motion was declared adopted.

THIRD READING

HB 2941 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, 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.

The bill passed.

HB 2941 was referred for engrossment.

EXECUTIVE NOMINATIONS

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

Beer, Galynn W., Guymon, as a member of the Oklahoma Science and Technology Research and Development Board - Energy and Environment

Mabry, Betsy, Enid, as a member of the State Board of Education - Education

Mocha, Larry, Tulsa, as a member of the Board of Trustees for Oklahoma State University/Tulsa - Education

Primeaux, Henry, III, Tulsa, as a member of the Board of Trustees for Oklahoma State University/Tulsa - Education

Talley, Denver, Chickasha, as a member of the Committee of Home Inspector Examiners - Business and Labor

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 9, 2008, at 9:30 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SCR 71 – By Morgan and Coffee of the Senate and Bengé of the House.

A Concurrent Resolution relating to adjournment of the legislative session; modifying date on which the 2nd Session of the 51st Oklahoma Legislature will adjourn sine die.

SR 71 – By Ballenger.

A Resolution declaring April 7 - 11, 2008, “County Government Week” in Oklahoma; commending the Association of County Commissioners of Oklahoma for their efforts; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval April 8, 2008, of Enrolled **SB 924**.

Pursuant to the Laster motion, the Senate adjourned at 11:35 a.m. to meet Wednesday, April 9, 2008, at 9:30 a.m.