

# Senate Journal

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

**Forty-ninth Legislative Day, Tuesday, April 29, 2008**

The Senate was called to order by Senator Williamson.

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

Excused: Ivester.—1.

Senator Williamson declared a quorum present.

The prayer was offered by Reverend Bobbie Jean Merck, A Great Love, Inc, Toccoa, GA, the guest of Senator Brogdon.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1392, 1453, 1463, 1507, 1641, 1662, 1673, 1685, 1761, 1766, 1839, 1872, 2000, 2163 and 2186 and SJR 41 and SCRs 58 and 59** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SCRs 82 and 84** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### PENDING CONSIDERATION OF HAS

**HAs to SB 1873** were concurred in upon motion of Senator Leftwich.

**SB 1873**, as amended by the Honorable House, was read 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Ivester and Morgan.--3.

The bill passed.

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

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

Senator Crain asked unanimous consent to suspend Rule 6-4 and refer **SR 73** direct to the Calendar for consideration, which was the order.

#### **GENERAL ORDER**

**SR 73** by Crain was called up for consideration.

All other members of the Senate asked to coauthor **SR 73**, which was the order.

**SR 73** was adopted upon motion of Senator Crain and referred for enrollment.

#### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1855** were concurred in upon motion of Senator Garrison.

**SB 1855**, 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, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Ivester and Morgan.--3.

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 1608** were concurred in upon motion of Senator Gumm.

**SB 1608**, as amended by the Honorable House, was read 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Ivester and Morgan.--3.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1595** were concurred in upon motion of Senator Nichols.

**SB 1595**, 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, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Ivester and Morgan.--3.

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 1181**, previously considered on Page 1450, were concurred in upon motion of Senator Rabon.

**SB 1181**, as amended by the Honorable House, was read 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Ivester and Morgan.--3.

The bill passed.

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

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 1186** were concurred in upon motion of Senator Easley.

**SB 1186**, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Ballenger, Bass, Branan, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Laster, Leftwich, Lerblance, Morgan, Nichols, Paddack, Rabon, Rice, Sparks, Sweeden, Wilson and Wyrick.--28.

Nay: Aldridge, Anderson, Barrington, Bingman, Brogdon, Brown, Coffee, Ford, Justice, Lamb, Laughlin, Mazzei, Myers, Reynolds, Riley, Schulz, Sykes, Wilcoxson and Williamson.--19.

Excused: Ivester.--1.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SBs 551, 995, 1010, 1038, 1171, 1190, 1422, 1511, 1515, 1529, 1600, 1672, 1816, 1889, 1960, 1994, 1951, 2071, 2101 and 2131** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1675** were concurred in upon motion of Senator Barrington.

**SB 1675**, as amended by the Honorable House, was read 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, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Ivester and Rabon.--2.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1390** were concurred in upon motion of Senator Adelson.

**SB 1390**, as amended by the Honorable House, was read 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, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Ivester and Rabon.--2.

The bill passed.

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

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HB 2462**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1077**.

**HCR 1077** – By Dorman, 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), 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, 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, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen and Wright of the House and Laster of the Senate.

A Concurrent Resolution commending Coach Eddie Sutton for his outstanding coaching career; and directing distribution.

The above-numbered measure was read the first time.

Senator Laster moved that the Senate recess to call of the Chair, which motion was declared adopted.

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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.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 1799** were concurred in upon motion of Senator Gumm.

**SB 1799**, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Nay: Brogdon, Brown and Sykes.--3.

Excused: Ivester and Rabon.--2.

The bill passed.

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

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 1392, 1453, 1463, 1507, 1641, 1662, 1673, 1685, 1761, 1766, 1839, 1872, 2000, 2163 and 2186** and **SJR 41**.

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

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later to:

**HB 2196**  
**HB 2214**  
**HB 2215**  
**HB 2231**  
**HB 2607**  
**HB 2631**  
**HB 2703**  
**HB 2704**  
**HB 2833**  
**HB 2963**  
**HB 3003**  
**HB 3135**  
**HJR 1065**

Advising the signing of and returning Enrolled **SCRs 58** and **59**.

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

#### **PENDING CONSIDERATION OF HAs**

**HAs** to **SB 1150** were called up for consideration upon motion of Senator Ford.

Senators Sykes, Mazzei, Jolley, Aldridge, Coffee, Brogdon, Schulz, Barrington, Anderson, Brown, Crain, Bingman, Coates, Wilcoxson, Reynolds, Myers, Branan, Johnson (Mike), Lamb, Laughlin, Justice, Nichols and Williamson asked to coauthor **SB 1150**, which was the order.

**SB 1150** was laid over for this legislative day, pending consideration of the **HAs**.

#### **PENDING CONSIDERATION OF HAs**

**HAs** to **SBs 502, 1403, 1420, 1398, 1789** and **2086** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

#### **EXECUTIVE NOMINATIONS**

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



Ahearn, Pam, M.D., Madill, as a member of the Physician Manpower Training Commission - Health and Human Resources

Johnson, Clint, Oklahoma City, as a member of the Oklahoma State Council for Interstate Adult Offender Supervision - Judiciary

McCauley, Larry, Ph.D., Oklahoma City, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Resources

Rooks, Ralph, Valliant, as a member of the Oklahoma Used Motor Vehicle and Parts Commission - Business and Labor

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 30, 2008, at 1:30 p.m., which motion prevailed.

## **SECOND READING**

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

**SR 67** – Finance

**HJR 1107** – Direct to Calendar

## **FIRST READING**

The following were introduced and read the first time:

**SCR 86** – By Rabon of the Senate and Pruett, Roan and Smithson of the House.

A Concurrent Resolution reaffirming the honors bestowed on retired state trooper Ed Vandergriff in SCR 68 passed in 2000; praising his public career; and directing distribution.

**SCR 87** – By Paddack of the Senate and Thomsen of the House.

A Concurrent Resolution praising the law enforcement career of Dr. Jeanie Nelson; wishing her well upon the occasion of her retirement as Director of CLEET; and directing distribution.

**SR 78** – By Coffee and Morgan.

A Resolution expressing gratitude to Senator Owen Laughlin for his service in the Oklahoma State Senate; and directing distribution.

## **MESSAGE FROM THE GOVERNOR**

Advising his approval April 29, 2008, of Enrolled **SBs 1575, 1793, 1923 and 2004.**

Pursuant to the Laster motion, the Senate adjourned at 4:10 p.m. to meet Wednesday, April 30, 2008, at 1:30 p.m.

### **JOURNAL CORRECTION**

Page 1454, Line 14, insert the following:

#### **“PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Laughlin the request of the Honorable House for conference on **HBs 2254 through 2258; 2260 through 2275; 2277 and 2278; 2280 through 2296; 2298 through 2439** was ordered granted and Senate conferees appointed as follows:  
**GCCA.”**