

# Senate Journal

## Second Regular Session of the Fifty-first Legislature

### of the State of Oklahoma

#### Fifty-first Legislative Day, Thursday, May 1, 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, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddock, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.—44.

Excused: Ivester, Rabon, Reynolds and Williamson.—4.

Senator Brogdon declared a quorum present.

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

#### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SCR 85** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**SBs 498, 1558 and 1998** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

#### MESSAGES FROM THE HOUSE

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

**SB 1398** - Murphey, Kern, Terrill, Worthen, Dorman, Shumate, Nations, and Miller

**SB 1428** - Peterson (Ron), Faught, Winchester, Auffet, McPeak and Martin (Steve)

**SB 1672** - Duncan, Glenn, Roan, Joyner, Denney, McCullough and Blackwell

**SB 1951** - Jones, Thomsen, Coody, Ingmire, Sullivan, Brannon, McCarter and Hyman

**SB 2047** - Blackwell, Schwartz, Cox, Glenn, Smithson and Piatt

**SB 2076** - Schwartz, Cox, Steele, Billy, Hilliard, McDaniel (Jeannie), Glenn, Terrill and Piatt

Advising naming of House conferees as follows:

**HB 1392** - Richardson, DeWitt, Sullivan, Hickman, Armes, Hyman, Renegar, Shoemake, Miller and Jones

**HB 1546** - Winchester, Richardson, Hilliard, Dorman, Coody, Jones and Miller

**HB 2214** - Murphey, McCullough, Joyner, Martin (Scott), Dorman and Nations

**HB 2215** - Murphey, McCullough, Thompson, Blackwell, Carey, Smithson, Miller and Jones

**HB 2231** - Murphey, Thompson, Liebmann, Worthen, Dorman and Luttrell

**HB 2530** - Steele, BigHorse, Shumate, Pittman, Peters, Kern and Winchester

**HB 2642** - Peters, Steele, Winchester, Billy and McNiel

**HB 2725** - Winchester, Carey, McDaniel (Randy), Martin (Steve), Pruett, Peterson (Ron) and Piatt

**HB 2726** - Winchester, Sullivan, Braddock, McDaniel (Randy), Carey and Duncan

**HB 2775** - DeWitt, McNiel, Richardson, Enns, Covey, Walker, McMullen, Miller and Murphey

**HB 2793** - Benge, Jones, Cannaday, Auffet, Hickman and Peterson (Ron)

**HB 2862** - Shelton, Steele, Piatt, Key, Cox, Covey, Shumate, Inman, Harrison, Coody, Banz and Enns

**HB 2891** - Benge, Peters, Armes, Lamons and McDaniel (Jeannie)

**HB 3118** - Jones, Thomsen, Coody, Faught, McCarter and Brannon

**HB 3122** - Jones, Thomsen, Coody, Hickman, Cannaday and Brannon

**HB 3162** - Blackwell, Liebmann, Martin (Scott), Dorman and Proctor

**HB 3326** - Miller, Peterson (Ron), Thompson, Terrill, Carey, Lamons and Dorman

**HB 3396** - Benge, Miller, Nations, Ingmire, Martin (Scott), Dorman, Jones, Denney, Shumate and McCarter

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

**HAs to SB 1531** were concurred in upon motion of Senator Leftwich.

**SB 1531**, 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, Brogdon, 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, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Wilson and Wyrick.--41.

Excused: Branan, Brown, Ivester, Rabon, Reynolds, Sweeden and Williamson.--7.

The bill passed.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Johnson (Constance) asked unanimous consent to suspend Rule 6-4 and refer **SCRs 70** and **75** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 75** by Johnson (Constance) of the Senate and Shelton of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 75**, which was the order.

**SCR 75** was adopted upon motion of Senator Johnson (Constance) and referred for engrossment.

**GENERAL ORDER**

**SCR 70** by Johnson (Constance) of the Senate and Shelton of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 70**, which was the order.

**SCR 70** was adopted upon motion of Senator Johnson (Constance) and referred for engrossment.

**SCs NAMED**

Upon motion of Senators Laughlin and Laster, Senate conferees were appointed as follows:

**SB 995** – Coates, Laughlin, Coffee, Ivester, Garrison, Laster

**SB 1381** – Wilson, Morgan, Laster, Laughlin, Myers, Johnson (Mike)  
**SB 1423** – Lerblance, Bass, Wyrick, Laughlin, Coffee, Myers  
**SB 1553** – Gumm, Crutchfield, Sweeden, Laughlin, Coffee, Mazzei  
**SB 1604** – Myers, Laughlin, Bingman, Gumm, Crutchfield, Rice  
**SB 1918** – Adelson, Rice, Johnson (Constance), Laughlin, Lamb, Coffee  
**SB 1951** – Wilcoxson, Laughlin, Jolley, Crutchfield, Wilson, Riley  
**SB 2034** – Mazzei, Laughlin, Johnson (Mike), Morgan, Wilson, Crutchfield

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

Advising passage of and returning the following Engrossed resolution:

#### **SCR 89**

The above-numbered measure was referred for enrollment.

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

**HAs** to **SB 1714** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

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

Senator Gumm asked unanimous consent to suspend Rule 6-4 and refer **HCR 1067** direct to the Calendar for consideration, which was the order.

#### **GENERAL ORDER**

**HCR 1067** by Dank et al of the House and Lamb of the Senate was called up for consideration.

Senator Lamb asked to be removed and Senator Gumm asked to be named as principal Senate author on **HCR 1067**, which was the order.

Senators Lamb and Jolley and all other members of the Senate asked to coauthor **HCR 1067**, which was the order.

**HCR 1067** was adopted upon motion of Senator Gumm and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Anderson asked unanimous consent to suspend Rule 6-4 and refer **SCR 88** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 88** by Anderson of the Senate and Enns of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 88**, which was the order.

**SCR 88** was adopted upon motion of Senator Anderson and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs to SBs 1383, 1628, 1654, 1725, 1738, 1795, 1869 and 1870** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

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

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The Senate reconvened with Senator Laughlin presiding.

Senator Laughlin 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 1612** were concurred in upon motion of Senator Justice.

**SB 1612**, 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, Anderson, Ballenger, Barrington, Bass, Brogdon, 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, Rice, Riley, Schulz, Sparks, Wilcoxson, Wilson and Wyrick.--36.

Nay: Aldridge and Sykes.--2.

Excused: Bingman, Branan, Brown, Coffee, Ivester, Morgan, Rabon, Reynolds, Sweeden and Williamson.--10.

The bill passed.

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

#### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SCR 89** was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

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

**HAs to SBs 1189 and 1618** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

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

Advising the signing of and returning Enrolled **SCR 89**.

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

Advising fourth reading of and returning Enrolled **SBs 498, 1558 and 1998**.

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

Advising rejection of **CCR** to **HB 1739**, requesting further conference and naming same House conferees as follows: Adkins, Peterson (Ron), Johnson (Rob), Worthen, Jackson, Watson, Morgan, Lamons and Nations.

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1622 and 2735** and **HJR 1105**.

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

**HB 1387**

**HB 1453**

**HB 2241**

**HB 2460**

**HB 2564**

**HB 3001**

**HB 3275**

**HB 3340**

**HB 3394**

**HB 3395**

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, May 5, 2008, at 1:30 p.m., which motion prevailed.

**BILL RELEASED  
TIME EXPIRED TO RECONSIDER**

House amendments on **SB 539** were properly signed and the above-numbered bill was referred for enrollment.

**MESSAGE FROM THE GOVERNOR**

Advising return of Enrolled **SB 1507**, May 1, 2008, pursuant to **SCR 89**.

Pursuant to the Laster motion, the Senate adjourned at 11:15 a.m. to meet Monday, May 5, 2008, at 1:30 p.m.

**JOURNAL CORRECTIONS**

Page 1455, Line 8 ½, by inserting:

**“FIRST READING**

The following was introduced and read the first time:

**SCR 85** – By Justice of the Senate and Winchester of the House.

A Concurrent Resolution congratulating Braum’s Ice Cream and Dairy Stores on their 40th birthday; designating April 30, 2008, “Braum’s Day” at the Oklahoma State Capitol; and directing distribution.”

Page 1475, Line 2 ½, by inserting:

**“MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 1181, 1186, 1390, 1595, 1608, 1675, 1799, 1855 and 1873.**

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