

# Senate Journal

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

**Fifty-seventh Legislative Day, Tuesday, May 13, 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 Reverend Mike Tignor, First Baptist Church, Midwest City, the guest of Senator Aldridge.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SCR 87s** and **93** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**SBs 1697** and **1921** and **SCRs 65** and **73** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 85, 86** and **87** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### MESSAGES FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HBs 2518, 2633, 2731, 2995** and **3098**.

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

- SB 1600** - Coody, Duncan, Kern, Pittman, Dorman and Blackwell
- SB 1618** - Blackwell, Carey, Auffet, Jones and Miller
- SB 1654** - Thompson, Liebmann, Martin (Scott), Schwartz, Johnson (Rob), Jackson, Joyner, Armes, Pruett, Glenn, Turner, Proctor, Derby and Denney
- SB 1658** - Miller, Adkins, Liebmann, Thompson, Morgan, Carey and Dorman
- SB 1725** - Tibbs, Blackwell, Kiesel, McCullough, Braddock, Duncan, Adkins, Peterson (Ron), Cox, Nations, Lamons and Proctor
- SB 1807** - Schwartz, Shannon, Martin (Scott), McCullough, Jordan, Derby, Joyner, Miller, Lamons, Luttrell, McCarter and Sherrer
- SB 1856** - Liebmann, Thompson, McCullough, McDaniel (Randy), Roan and Nations
- SB 1889** - Blackwell, Duncan, Shannon, Braddock, Morrissette, McCullough, Winchester, Peters and Steele
- SB 1950** - Winchester, Peters, Tibbs, Sullivan, Pittman and Rousselot
- SB 1987** - Worthen, Johnson (Rob), Thompson, Adkins, Lamons and Pruett
- SB 2119** - Peterson (Ron), Faught, Peters, Auffet, McPeak, Piatt and Adkins

#### **MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

- HB 2290**
- HB 2298**
- HB 2300**
- HB 2302**
- HB 2304**
- HB 2310**
- HB 2314**
- HB 2318**
- HB 2322**
- HB 2324**
- HB 2326**
- HB 2328**
- HB 2332**
- HB 2336**
- HB 2342**
- HB 2350**
- HB 2352**
- HB 2356**
- HB 2358**
- HB 2370**

**HB 2372**  
**HB 2378**  
**HB 2380**  
**HB 2382**

Conference committee reports were read on the above-numbered bills.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2518, 2731, 2995** and **3098**.

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

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

**HAs to SBs 1168, 1763, 1822** and **1866** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

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

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

#### **GENERAL ORDER**

**SR 88** by Lerblance and Wilson was called up for consideration.

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

**SR 88** was adopted upon motion of Senator Lerblance and referred for enrollment.

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

Senator Paddack asked unanimous consent to suspend Rule 6-4 and refer **SCR 92** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 92** by Paddack of the Senate and Thomsen of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 92**, which was the order.

**SCR 92** was adopted upon motion of Senator Paddack and referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Laster asked unanimous consent to suspend Rule 6-4 and refer **SCRs 94** and **95** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 94** by Laster of the Senate and Steele of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 94**, which was the order.

**SCR 94** was adopted upon motion of Senator Laster and referred for engrossment.

**GENERAL ORDER**

**SCR 95** by Laster of the Senate and Cargill of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 95**, which was the order.

**SCR 95** was adopted upon motion of Senator Laster and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1505** were concurred in upon motion of Senator Rabon.

**SB 1505**, 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, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Leftwich and Morgan.--2.

The bill and emergency passed.

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

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

Advising passage of and returning the following Engrossed measure:

**SCR 77** - coauthored by all other House members

The above-numbered measure was referred for enrollment.

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

**HAs** to **SBs 763** and **1014** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

Senator Laster moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Brogdon presiding.

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

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

Returning following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

**SB 1195**

**SB 1209**  
**SB 1211**  
**SB 1217**  
**SB 1219**  
**SB 1225**  
**SB 1231**  
**SB 1239**  
**SB 1247**  
**SB 1251**  
**SB 1259**  
**SB 1269**  
**SB 1277**  
**SB 1283**  
**SB 1285**  
**SB 1293**  
**SB 1297**  
**SB 1301**  
**SB 1309**  
**SB 1313**

The above-numbered measures, as amended in conference, were referred for enrollment.

Advising naming of House conferees as follows:

**HB 1897** - Hamilton, Cox, Wesselhoft, Billy and Carey

**HB 2196** - Dank, Steele, Hickman, Inman, Jackson, Miller, Worthen, Proctor, Lamons, Peters, Duncan and Martin (Steve)

**HB 2583** - Hyman, McDaniel (Randy), DeWitt, Cannaday, Miller and Terrill

Advising fourth reading of and returning Enrolled **SBs 1697** and **1921**.

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

Advising the signing of and returning Enrolled **SCRs 65** and **73**.

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

**MESSAGE FROM THE HOUSE  
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

**HB 2388**  
**HB 2392**  
**HB 2396**  
**HB 2398**  
**HB 2404**  
**HB 2412**  
**HB 2422**  
**HB 2428**  
**HB 2430**  
**HB 2434**  
**HB 2438**

Conference committee reports were read on the above-numbered bills.

**CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 1553** – remove Sweeden and add Morgan.

**SB 1951** – remove Riley and Crutchfield and add Laster and Lerblance.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1413** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Ivester asked unanimous consent to suspend Rule 6-4 and refer **SR 83** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 83** by Ivester was called up for consideration.

All other members of the Senate asked to coauthor **SR 83**, which was the order.

**SR 83** was adopted upon motion of Senator Ivester and referred for enrollment.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1423** was rejected upon motion of Senator Laster, further 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 Brogdon presiding.

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

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

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

**SB 565** - Peterson (Ron), Adkins, Faught, Auffet and McPeak

**SB 1406** - McNiel, Denney, DeWitt, Martin (Steve), Hyman, Morgan and Miller

**SB 1547** - Harrison, Ingmire, Joyner, Kiesel, McPeak, Liebmann, Renegar, Wright, Trebilcock and Cooksey

**SB 1853** - Joyner, Duncan, Cox, Luttrell and Rousselot

**SB 1859** - DeWitt, Armes, McNiel, Hyman, Walker, Enns, Jett, Shoemake and McPeak

**SB 2100** - Jones, Thomsen, Sullivan, Kern, Hamilton and Shumate

#### **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**HB 2793** – remove Brown and add Jolley.

**SCs NAMED**

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

- SB 1010** – Morgan, Crutchfield, Burrage, Johnson (Mike), Laughlin, Coffee
- SB 1189** – GCCA
- SB 1922** – Laster, Lerblance, Morgan, Laughlin, Lamb, Coffee
- SB 2061** – GCCA
- SJR 29** – Ivester, Morgan, Laster, Coates, Laughlin, Coffee

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senators Laughlin and Laster, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

- HB 1379** – GCCA
- HB 1387** – GCCA
- HB 1392** – Justice, Laughlin, Schulz, Morgan, Laster, Crutchfield
- HB 1418** – GCCA
- HB 1453** – GCCA
- HB 1519** – GCCA
- HB 1546** – GCCA
- HB 1830** – GCCA
- HB 1897** – GCCA
- HB 1903** – Leftwich, Rice, Lerblance, Laughlin, Coffee, Lamb
- HB 2071** – GCCA
- HB 2074** – Brown, Sykes, Laughlin, Sparks, Garrison, Paddock

**EXECUTIVE NOMINATIONS**

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

Blanchard, Ken, Newalla, as a member of the Oklahoma Indian Affairs Commission - Health and Human Resources

Fagin, Mari, Edmond, as a member of the Oklahoma Human Rights Commission - Health and Human Resources

Taylor, Michael, Oklahoma City, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 14, 2008, at 10:00 a.m., which motion prevailed.

### **CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 47 (3RD CCR)**

**SB 1479**

**SB 1765**

**SB 1816**

### **FIRST READING**

The following were introduced and read the first time:

**SCR 97** – By Morgan and Coffee of the Senate and Bengé of the House.

A Concurrent Resolution relating to legislative procedures; establishing a legislative procedure schedule for the 52nd Oklahoma Legislature.

**SCR 98** – By Branan of the Senate and Cox of the House.

A Concurrent Resolution rejecting a proposed rule by the Oklahoma Board of Nursing relating to the prescriptive authority of advanced practice nurses.

**SR 90** – By Laughlin and Laster.

A Resolution relating to the protection of the property and supplies of the Senate and duties of the President Pro Tempore during the 2008 legislative interim; authorizing employment of necessary personnel; restricting use of Senate offices and Senate Chamber during the interim except with the consent of the President Pro Tempore; authorizing repairs to the Senate Chamber, Senate offices and furnishings and purchase of needed furnishings and equipment therefor; regulating use of telephone credit cards by members of the Senate; authorizing President Pro Tempore to appoint members of the Senate to interim committees; authorizing President Pro Tempore to approve claims for reimbursement incurred by members and employees of the Senate during the interim; and providing for cumulative powers.

### **MESSAGE FROM THE GOVERNOR**

Advising his approval May 12, 2008, of Enrolled **SBs 906, 1155, 1404, 1421, 1451, 1577, 1601, 1627, 1631, 1640, 1656, 1696, 1699, 1881, 1961, 1964, 1970, 2001, 2003, 2007, 2028** and **2143**.

Advising his veto May 13, 2008, of Enrolled **SB 1842**.

The veto message reads as follows:

May 13, 2008

To the Honorable President Pro Tempore  
and Members of the Oklahoma Senate  
Second Session of the Fifty First Oklahoma Legislature

**ENROLLED SB 1842**

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 and 12 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 1842. Section 3 of this bill is ambiguous, eliminates competition, and discriminates against organizations with less than 2000 members that currently collect dues through a voluntary payroll deduction.

By the Governor of the State of Oklahoma  
/s/Brad Henry

Pursuant to the Laster motion, the Senate adjourned at 2:25 p.m. to meet Wednesday, May 14, 2008, at 10:00 a.m.