

Senate Journal

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

Fifty-ninth Legislative Day, Thursday, May 15, 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, 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 Jolley 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

SBs 512, 1043, 1319, 1331, 1339, 1343, 1345, 1347, 1452, 1926, 1927, 1928, 1941 and 1943 and SCR 42, 63, 78, 79, 81 and 86 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCRs 83, 96 and 97 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SRs 76 and 90 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

PENDING CONSIDERATION OF HAS

HAs to SB 1567, previously considered on Page 1553, were concurred in upon motion of Senator Branan.

SB 1567, 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, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Mazzei, Myers, Paddack, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Nay: Nichols.--1.

Excused: Coffee, Laughlin, Morgan, Rabon and Reynolds.--5.

The bill passed.

Pursuant to Rule 13-22, Senator Nichols served notice that the vote be reconsidered whereby **SB 1567** passed.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Lerblance asked unanimous consent to suspend Rule 6-4 and refer **SR 89** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 89 by Lerblance was called up for consideration.

All other members of the Senate asked to coauthor **SR 89**, which was the order.

SR 89 was adopted upon motion of Senator Lerblance and referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 70** was adopted upon motion of Senator Ballenger.

SB 70, as amended in conference, 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford,

Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Nay: Brogdon.--1.

Excused: Johnson (M), Morgan, Rabon and Reynolds.--4.

The bill passed.

SB 70, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Sparks asked unanimous consent to suspend Rule 6-4 and refer **SR 93** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 93 by Sparks was called up for consideration.

All other members of the Senate, except Senator Sykes, asked to coauthor **SR 93**, which was the order.

SR 93 was adopted upon motion of Senator Sparks and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Corn asked unanimous consent to suspend Rule 6-4 and refer **SRs 81 and 84** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 81 by Corn was called up for consideration.

SR 81 was adopted upon motion of Senator Corn and referred for enrollment.

GENERAL ORDER

SR 84 by Corn was called up for consideration.

All other members of the Senate asked to coauthor **SR 84**, which was the order.

SR 84 was adopted upon motion of Senator Corn and referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1859** was adopted upon motion of Senator Wyrick.

SB 1859, as amended in conference, 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, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Reynolds.--1.

The bill passed.

SB 1859, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 1739** was adopted called up for consideration.

Senator Bingman asked that **HB 1739** be laid over temporarily, which was the order.

HB 1739 remains on pending consideration of CCR.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

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

GENERAL ORDER

SR 92 by Easley was called up for consideration.

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

SR 92 was adopted upon motion of Senator Easley and referred for enrollment.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 1739** was called up for further consideration.

The **2ND CCR** on **HB 1739** was adopted upon motion of Senator Bingman upon roll call as follows:

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Sparks, Sweeden, Wilcoxson and Williamson.--36.

Nay: Brogdon, Corn, Eason McIntyre, Jolley, Lamb, Riley, Schulz, Sykes, Wilson and Wyrick.--10.

Excused: Anderson and Reynolds.--2.

HB 1739, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Sparks, Sweeden, Wilcoxson and Williamson.--36.

Nay: Brogdon, Corn, Eason McIntyre, Jolley, Lamb, Riley, Schulz, Sykes, Wilson and Wyrick.--10.

Excused: Anderson and Reynolds.--2.

The bill passed.

Pursuant to Rule 13-22, Senator Bingman served notice that the vote be reconsidered whereby **HB 1739** passed.

SCs NAMED

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

SB 824 – Laster, Burrage, Lerblance, Laughlin, Williamson, Coffee

**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 2292

HB 2384

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

MESSAGE FROM THE HOUSE

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

SB 1156 - Adkins, Jackson, Johnson (Rob), Peterson (Ron), Schwartz, Watson, Miller, Jones, Sherrer and McCarter

**UNANIMOUS CONSENT REQUEST
MOTION TO RECONSIDER VOTES**

Senator Laughlin asked unanimous consent, which was granted, to invoke the provisions of Senate Rule 13-22A and that all motions to reconsider votes be disposed of on the same day such notice is served.

PENDING CONSIDERATION OF HAS

HAs to **SB 1644** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1479** was adopted upon motion of Senator Ballenger.

SB 1479, as amended in conference, was read at length.

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

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

Excused: Anderson, Brogdon, Coffee, Morgan and Reynolds.--5.

The bill and emergency passed.

SB 1479, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **3RD CCR** on **SB 47** was adopted upon motion of Senator Crain.

SB 47, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--41.

Nay: Wilcoxson.--1.

Excused: Anderson, Brogdon, Coffee, Corn, Morgan and Reynolds.--6.

The bill passed.

SB 47, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

The Senate reconvened with Senator Jolley presiding.

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

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 2286

HB 2423

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

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 2290, 2298, 2300, 2302, 2304, 2310, 2314, 2318, 2322, 2324, 2326, 2328, 2332, 2336, 2342, 2350, 2352, 2356, 2358, 2370, 2372, 2378, 2380, 2382, 2388, 2392, 2396, 2398, 2404, 2412, 2422, 2428, 2430, 2434 and 2438.**

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

Advising the signing of and transmitting for signature Enrolled **HCR 1083.**

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

Returning following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

SB 1303

The above-numbered measure, as amended in conference, was referred for enrollment.

Advising passage of and returning the following Engrossed measures:

SCR 87 - coauthored by all other House members

SCR 93 - coauthored by all other House members

The above-numbered measures were referred for enrollment.

Advising rejection of **CCR** to the following bill, requesting further conference and naming same House conferees as follows:

HB 2631 - Jordan, McCullough, McNiel, Sherrer, Inman, Duncan and Sullivan

Advising the signing of and returning Enrolled **SCRs 42, 63, 78, 79, 81 and 86**.

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

Advising fourth reading of and returning Enrolled **SBs 512, 1043, 1319, 1331, 1339, 1343, 1345, 1347, 1452, 1926, 1927, 1928, 1941 and 1943**.

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

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senators Laughlin and Laster, the request of the Honorable House for conference on **HJR 1080** was ordered granted and Senate conferees appointed as follows: Morgan, Crutchfield, Wyrick, Laughlin, Jolley, Lamb.

SCs NAMED

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

SB 763 – Anderson, Laughlin, Williamson, Lerblance, Adelson, Sweeden

SB 1014 – Coffee, Laughlin, Mazzei, Morgan, Laster, Gumm

SB 1168 – Laughlin, Bingman, Aldridge, Laster, Morgan, Crutchfield

SB 1413 – GCCA

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2292** was adopted upon motion of Senator Johnson (Mike).

HB 2292, as amended in conference, 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, 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, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wyrick.--45.

Excused: Bass, Riley and Wilson.--3.

The bill and emergency passed.

HB 2292, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 612** was rejected upon motion of Senator Laster, further conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1295** was adopted upon motion of Senator Johnson (Mike).

SB 1295, as amended in conference, 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, 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, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wyrick.--45.

Excused: Bass, Riley and Wilson.--3.

The bill and emergency passed.

SB 1295, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2423** was adopted upon motion of Senator Johnson (Mike).

HB 2423, as amended in conference, 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, 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, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wyrick.--45.

Excused: Bass, Riley and Wilson.--3.

The bill and emergency passed.

HB 2423, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1341** was adopted upon motion of Senator Johnson (Mike).

SB 1341, as amended in conference, 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, 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, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wyrick.--45.

Excused: Bass, Riley and Wilson.--3.

The bill and emergency passed.

SB 1341, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1816** was adopted upon motion of Senator Barrington.

SB 1816, as amended in conference, 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, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laughlin, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wyrick.--43.

Nay: Laster and Leftwich.--2.

Excused: Bass, Riley and Wilson.--3.

The bill and emergency passed.

SB 1816, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

SCs NAMED

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

SB 1866 – Laughlin, Coffee, Schulz, Morgan, Crutchfield, Laster

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 2292**.

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

Advising naming House conferees as follows:

HB 1418 - Coody, Banz, Shannon, Brannon, Dorman, Miller, Jones and Terrill

HB 2446 - Braddock, Shelton, Nations, Ingmire, Steele, Billy, Terrill, Miller, Jones and Blackwell

HB 2714 - Billy, Roan, Renegar, Johnson (Dennis), Derby, Jordan, Miller, Jones and Terrill

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

SB 824 - Cox, Sullivan, McCullough, Cargill, Trebilcock and Wright

SB 1149 - Armes, Terrill, Dorman, Coody, Braddock, Shannon and Shoemake

SB 1383 - Johnson (Rob), Adkins, Jackson, Hilliard and Dorman

SB 1960 - Worthen, Cox, Duncan, Adkins, McDaniel (Jeannie) and Carey

SB 2061 - Peters, Terrill, Peterson (Ron), Dorman and Braddock

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, May 19, 2008, at 1:30 p.m., which motion prevailed.

**BILL RELEASED
TIME EXPIRED TO RECONSIDER**

House amendments on **SB 1024** were properly signed and the above-numbered bill was referred for enrollment.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 926, remove Pittman and substitute Jones as principal House author, and coauthored by Pittman of the House

SB 1440

SB 1856

SB 1950

SB 1951, coauthored by Barrington of the Senate, and coauthored by Tibbs of the House

SB 2034

SJR 29, coauthored by Coates, Schulz of the Senate

SECOND READING

The following was read for the second time and referred to committee as indicated:

SCR 98 – Rules

FIRST READING

The following were introduced and read the first time:

SCR 99 – By Rabon of the Senate and Liebmann of the House.

A Concurrent Resolution authorizing the use of earnings from investment in certain construction funds for purposes of funding additional highway capital improvements needed in connection with the Department of Transportation projects authorized by certain statutes; and directing distribution.

SR 95 – By Bingman.

A Resolution honoring actions of Creek County Deputy Michael M. Marcum; and directing distribution.

Pursuant to the Laster motion, the Senate adjourned at 3:10 p.m. to meet Monday, May 19, 2008, at 1:30 p.m.