

# Senate Journal

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

Sixtieth Legislative Day, Monday, May 19, 2008

The Senate was called to order by Senator Leftwich.

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 Leftwich declared a quorum present.

The prayer was offered by Pastor Rusty Canoy, First Baptist Church, Lexington, the guest of Senator Sparks.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1024 and 1303** and **SCRs 87 and 93** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 81, 84, 89, 92 and 93** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 2423 and 2633**.

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

Advising passage of and returning the following Engrossed measure:

**SCR 96** - coauthored by all other House members

The above-numbered measure was referred for enrollment.

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

**SB 1199**

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

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

**SB 1014** - Jackson, Peterson (Ron), Johnson (Rob), Miller, Worthen, Shannon, Braddock, Carey and Dorman

**SB 1413** - Duncan, Key, Wright, Reynolds, Shumate, Proctor, Luttrell, Terrill and Miller

**SB 1644** - coauthored by Pruett, Hyman, Auffet, Lamons, Inman, Richardson, Liebmann, Joyner, Denney, Enns and Thompson

**SB 1714** - Terrill, Miller, Jones, Jackson and Peterson (Ron)

**SB 1719** - McCullough, Schwartz, Cox, Steele, Derby, Pittman and Carey

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

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

**HB 2470** - Rousselot, Liebmann, McDaniel (Jeannie), Jordan, Glenn, Armes, Piatt and Martin (Scott)

**HB 3123** - Jones, Thomsen, Richardson, Denney, McMullen and Hilliard

**HB 3268** - Harrison, DeWitt, McNiel, Armes, Roan and Liebmann

Advising further conference granted and naming same House conferees on Engrossed:

**SB 612** - Blackwell, Jones, Sullivan, Brannon, Kern, Shumate, Nations and Trebilcock

Advising adding House conferees as follows:

**HB 2889** - Thomsen

Advising passage of and transmitting for consideration Engrossed **HCR 1088**.

**HCR 1088** – By Ellis, Armes, Brannon, Cannaday, Collins, DeWitt, Harrison, Hyman, Lindley, McAffrey, Proctor, Renegar, Shoemake, Smithson and Turner of the House and Coates of the Senate.

A Concurrent Resolution encouraging the Oklahoma Attorney General to defend the state and state laws in a certain federal lawsuit; expressing legislative intent concerning certain state law; urging the United States Congress to prohibit states from initiating certain lawsuits against other states; and directing distribution.

The above-numbered measure was read the first time.

#### **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 2400** (emergency failed)

**HB 2705** - coauthored by Wesselhoft of the House

**HB 2725**

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

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

The **2ND CCR** on **SB 519** was adopted upon motion of Senator Crain.

**SB 519**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bingman, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ford, Johnson (C), Laster, Laughlin, Nichols, Rabon, Rice and Williamson.--18.

Nay: Aldridge, Ballenger, Branan, Brogdon, Brown, Coffee, Crutchfield, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Leftwich, Lerblance, Mazzei, Morgan,

Myers, Paddack, Reynolds, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--29.

Excused: Bass.--1.

The bill failed.

Pursuant to Rule 13-22, Senator Crain served notice that the vote be reconsidered whereby **SB 519** failed.

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

The **CCR** on **SB 514** was adopted upon motion of Senator Wilcoxson.

**SB 514**, 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, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crutchfield, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wilson.--42.

Nay: Coffee, Crain, Easley, Laster and Wyrick.--5.

Excused: Morgan.--1.

The bill and emergency passed.

**SB 514**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **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 1903** - coauthored by Wesselhoft of the House

**HB 2074** – coauthored by Denney, McCullough, Hoskin, Kiesel, Renegar and Hickman of the House

**HB 2231**

**HB 2239**

**HB 2460**

**HB 2469** – coauthored by Luttrell of the House

**HB 2564**

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

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

**HAs** to **SB 580** were rejected upon motion of Senator Laughlin, conference requested, and Senate conferees to be named later.

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

The **CCR** on **SB 1856** was adopted upon motion of Senator Branam.

**SB 1856**, 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, Branam, 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, Myers, Nichols, Paddock, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Easley and Morgan.--2.

The bill passed.

**SB 1856**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

The **CCR** on **SB 1440** was adopted upon motion of Senator Corn.

**SB 1440**, 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, Bass, Bingman, Branam, 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, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Easley and Morgan.--2.

The bill and emergency passed.

**SB 1440**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **MOTION TO RECONSIDER VOTE**

Senator Bingman moved to reconsider the vote whereby **HB 1739** passed.

Senator Gumm moved to table the Bingman motion, which tabling motion was declared adopted.

**HB 1739**, together with the second conference committee report thereon, was ordered returned to the Honorable House.

Senator Laughlin 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 Leftwich presiding.

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

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

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

**HB 3340** - Thompson, Liebmann, Martin (Scott), Schwartz, Johnson (Rob), Jackson, Joyner, Armes, Pruett, Glenn, Turner, Proctor and McAffrey

**HJR 1014** - Cox, Roan, Steele, Denney, Schwartz, Auffet, Carey, Jones, Miller and Terrill

Advising fourth reading of and returning Enrolled **SBs 1024** and **1303**.

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

Advising the signing of and returning Enrolled **SCRs 87** and **93**.

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 2530**

**HB 2566**

**HB 2568**

**HB 2642**

**HB 2715**

**HB 2791**

**HB 2821** – coauthored by Blackwell of the House

**HB 2891** – coauthored by Peters of the House

**HB 2935**

**HB 3162**

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

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SJR 29** was adopted upon motion of Senator Ivester.

**SJR 29**, as amended in conference, was read at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Paddack, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--37.

Nay: Brogdon, Brown, Easley, Lamb and Williamson.--5.

Excused: Adelson, Coffee, Morgan, Nichols, Rabon and Reynolds.--6.

The resolution passed.

**SJR 29**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **MOTION TO RECONSIDER VOTE**

Senator Crain moved to reconsider the vote whereby **SB 519** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Sparks, Wilcoxson, Williamson, Wilson and Wyrick.--37.

Nay: Branam, Brogdon, Garrison, Gumm, Johnson (M), Schulz, Sweeden and Sykes.--8.

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

#### **FOURTH READING**

Senator Crain moved to reconsider the vote whereby **SB 519** was advanced, which motion was declared adopted.

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

Senator Crain moved to reconsider the vote whereby the **2ND CCR** on **SB 519** was adopted, which motion was declared adopted.

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

The **2ND CCR** on **SB 519** was rejected upon motion of Senator Crain, further conference requested, and same Senate conferees appointed as follows: Crain, Williamson, Laughlin, Crutchfield, Corn, Rabon.

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

The **CCR** on **SB 1765** was adopted upon motion of Senator Myers.



**SB 1765**, 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, Bass, Bingman, Branan, 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, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Nay: Brogdon.--1.

Excused: Rabon.--1.

The bill and emergency passed.

**SB 1765**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

The **CCR** on **SB 2034** was adopted upon motion of Senator Mazzei.

**SB 2034**, 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, 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, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Rabon.--1.

The bill and emergency passed.

**SB 2034**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

**HAs** to **SB 2037** were concurred in upon motion of Senator Nichols.

**SB 2037**, 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, 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, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--45.

Nay: Branana and Wilcoxson.--2.

Excused: Rabon.--1.

The bill passed.

Pursuant to Rule 13-22, Senator Branana served notice that the vote be reconsidered whereby **SB 2037** passed.

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

**HAs to SB 1865** were concurred in upon motion of Senator Coffee.

**SB 1865**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branana, Brogdon, Brown, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ford, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--32.

Nay: Adelson, Ballenger, Bass, Burrage, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--15.

Excused: Rabon.--1.

The bill passed.

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

**MESSAGE 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 1201**  
**SB 1265**  
**SB 1281**  
**SB 1295**  
**SB 1341**

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

**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 2941**  
**HB 3132**  
**HB 3135**  
**HB 3275**  
**HB 3326**

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

**SCs NAMED**

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

**SB 1719** – Crain, Laughlin, Lamb, Rice, Adelson, Wilson

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1950** was adopted upon motion of Senator Crain.

**SB 1950**, 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, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--46.

Excused: Rabon and Williamson.--2.

The bill passed.

**SB 1950**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

### **GENERAL ORDER**

**SCR 91** by Coffee of the Senate and Murphey of the House was called up for consideration.

**SCR 91** was adopted upon motion of Senator Coffee and referred for engrossment.

### **MESSAGE FROM THE HOUSE**

Advising further conference granted and naming same House conferees on Engrossed:

**SB 519** - Jones, Thomsen, Coody, Cannaday, Brannon and Kern

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 20, 2008, at 9:30 a.m., which motion prevailed.

### **BILL RELEASED TIME EXPIRED TO RECONSIDER**

House amendments on **SB 2037** 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 551**

**SB 704 (2ND CCR)** - remove Schulz and substitute Bingman as principal Senate author and remove Sparks as coauthor

**SB 824** - remove Paddock and substitute Laster as principal Senate author

**SB 1168**

**SB 1230**

**SB 1381**

**SB 1384**

**SB 1406**

**SB 1547**, coauthored by McMullen of the House

**SB 1654**

**SB 1658**

**SB 1763**

**SB 1789**

**SB 1795**

**SB 1880**

**SB 1922**

**SB 1960**

**SB 2047**

**SB 2076**

**SB 2131**

## **FIRST READING**

The following were introduced and read the first time:

**SR 96** – By Branan.

A Resolution congratulating Bishop McGuinness Catholic High School for its successful athletic program which won eight state championships in the 2007-2008 academic year; commending Bishop McGuinness Catholic High School for its emphasis on academics and good sportsmanship; and directing distribution.

**SR 97** – By Coffee and Morgan.

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

**SR 98** – By Rabon.

A Resolution recognizing native Oklahoman Mike Rabon and praising his many contributions to popular music; endorsing the induction of Mike Rabon and the Five Americans into the Rock and Roll Hall of Fame; and directing distribution.

**SR 99** – By Rabon.

A Resolution recognizing Bill Moyers as a native son; commending his achievements and contributions; and directing distribution.

**MESSAGES FROM THE GOVERNOR**

Advising his approval May 15, 2008, of Enrolled **SBs 1587, 1891 and 1980.**

Advising his approval May 16, 2008, of Enrolled **SBs 1697, 1921 and 2122.**

Pursuant to the Laughlin motion, the Senate adjourned at 4:15 p.m. to meet Tuesday, May 20, 2008, at 9:30 a.m.

**JOURNAL CORRECTIONS**

Page 1518, Line 7 ½, by inserting the following:

**“CONFERENCE COMMITTEE REPORT SUBMITTED**

Conference committee report was read on the following bill:

**SB 1295”**

Page 1581, 2<sup>nd</sup> Line from the bottom, by inserting after the numeral “**2633**” and before the numeral “**2731**” the words “(emergency failed).”