

# Senate Journal

## First Regular Session of the Fifty-second Legislature of the State of Oklahoma

Ninth Legislative Day, Thursday, February 12, 2009

The Senate was called to order by Senator Brogdon.

Roll Call:

Present: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—45.

Excused: Adelson, Leftwich and Mazzei.—3.

Senator Brogdon declared a quorum present.

The prayer was offered by Pastor Doug Carey, Crossroads Church, Jenks, the guest of Senator Newberry.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 275** and **342** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### GENERAL ORDER

**SB 476** by Anderson of the Senate and Duncan of the House was called up for consideration.

Senator Anderson moved that **SB 476** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 476** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--43.

Excused: Adelson, Coates, Leftwich, Mazzei and Wilson.--5.

The bill passed.

**SB 476** was referred for engrossment.

**GENERAL ORDER**

**SB 764** by Anderson of the Senate and Duncan of the House was called up for consideration.

Senator Anderson moved that **SB 764** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 764** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--42.

Excused: Adelson, Coates, Leftwich, Mazzei, Nichols and Wilson.--6.

The bill and emergency passed.

**SB 764** was referred for engrossment.

## **FIRST READING**

The following was introduced and read the first time:

**SR 11** – By Lamb.

A Resolution thanking Greg Lockhart for his years of service to the Oklahoma State Senate and wishing him and his family all the best; and directing distribution.

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

Senator Lamb asked unanimous consent to refer **SR 11** direct to the Calendar for consideration, which was the order.

## **GENERAL ORDER**

**SR 11** by Lamb was called up for consideration.

All other members of the Senate asked to coauthor **SR 11**, which was the order.

**SR 11** was adopted upon motion of Senator Lamb and referred for enrollment.

## **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1049, 1064, 1074, 1360, 1601, 1647 and 1698** and **HJR 1004**.

**HB 1049** – By Carey of the House and Paddock of the Senate.

An Act relating to officers; amending 51 O.S. 2001, Section 24A.8, as last amended by Section 36, Chapter 16, O.S.L. 2006 (51 O.S. Supp. 2008, Section 24A.8), which relates to the Oklahoma Open Records Act; modifying certain records available for public inspection; and providing an effective date.

**HB 1064** – By Sherrer of the House and Burrage of the Senate.

An Act relating to district courts; amending 20 O.S. 2001, Section 92.13, as amended by Section 7, Chapter 343, O.S.L. 2005 (20 O.S. Supp. 2008, Section 92.13), which relates to District Number 12; specifying number of judges nominated and elected from Rogers, Mayes and Craig Counties; providing for judges nominated and elected at large; and providing an effective date.

**HB 1074** – By Cooksey, Shelton and Terrill of the House and Sykes of the Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 537, as amended by Section 3, Chapter 171, O.S.L. 2008 (57 O.S. Supp. 2008, Section 537), which

relates to canteen system operations within the Department of Corrections; deleting requirement that canteen service operations be performed by state employees; and providing an effective date.

**HB 1360** – By Cooksey, Sullivan, Faught, Roan and Martin (Steve) of the House and Sparks of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 650.4, which relates to assault and battery upon emergency medical care providers; increasing penalty; and declaring an emergency.

**HB 1601** – By Sullivan, Faught, Peters, Schwartz, Peterson, Banz, Cooksey, Ritze, Blackwell, Wesselhoft, Dank, Tibbs and Wright (John) of the House and Coffee of the Senate.

An Act relating to attorneys; prohibiting attorney and counselor from deducting or withholding certain monies for the purpose of contributing to certain funds, campaigns, or candidates; providing for codification; and providing an effective date.

**HB 1647** – By Rousselot of the House and Garrison of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Sections 5-113 and 5-113.1, which relate to the school district boards of education nepotism prohibition; updating statutory language; limiting application of school board member nepotism prohibition when employee is a substitute teacher or support employee; providing an exception for substitute teachers or support employees to school employee nepotism prohibition; making an exception for situations covered by other provisions of law; prohibiting certain persons from being candidates for or serving on boards of education; providing for penalty; providing for codification; providing an effective date; and declaring an emergency.

**HB 1698** – By Billy, Terrill, Roan, Sherrer, Walker and Hilliard of the House and Sykes of the Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 69, which relates to jail security; authorizing correctional facilities to serve free meals to correctional employees; and providing an effective date.

**HJR 1004** – By Wright (John), Reynolds, Wesselhoft, Terrill, Ritze, Kern, Banz, Tibbs and Cooksey of the House and Aldridge of the Senate.

A Joint Resolution relating to a federal constitutional convention; rescinding, repealing, canceling, voiding and superseding any and all extant applications by the Legislature of the State of Oklahoma heretofore made during any session thereof to the Congress of the United States of America to call a convention pursuant to the terms of Article V of the United States Constitution for proposing one or more amendments to that Constitution; urging the legislatures of other states to do the same; and directing distribution.

The above-numbered measures were read the first time.

## **CHANGE IN COMMITTEE ASSIGNMENTS**

The following bills will be reassigned as follows:

**SB 457** – withdrawn from Rules committee and referred to General Government

**SB 820** – withdrawn from Rules committee and referred to Finance

**SB 835** – withdrawn from Rules committee and referred to Transportation

**SB 930** – withdrawn from Public Safety and Homeland Security committee and referred to Agriculture and Rural Development

**SB 940** – withdrawn from Finance committee and referred Retirement and Insurance

**SB 1006** – withdrawn from Rules committee and referred to Insurance and Retirement

**SB 1089** – withdrawn from Judiciary committee and referred to Energy and Environment

**SB 1146** – withdrawn from Rules committee and referred to Business and Labor

**SB 1168** – withdrawn from Rules committee and referred to Education

## **EXECUTIVE NOMINATIONS**

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

Bell, Brent, Edmond, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Services

Sack, Theodore A., Sand Springs, as a member of the State Board of Registration for Professional Engineers and Land Surveyors - Business and Labor

Weaver, Bill R., Oklahoma City, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, February 16, 2009, at 1:30 p.m., which motion prevailed.

## **COMMITTEE REPORTS**

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

**SB 270** – Judiciary, coauthored by Duncan (principal House author)

Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

**SB 452** – Agriculture and Rural Development, coauthored by Armes (principal House author)

Ayes: Anderson, Barrington, Crutchfield, Ellis, Garrison, Ivester, Justice, Marlatt, Schulz, Sykes, Wyrick

**SB 699** – Judiciary, coauthored by Cox (principal House author)

Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

**SB 1134** – Judiciary, coauthored by Duncan (principal House author)

Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

**SB 1157** – Public Safety and Homeland Security, coauthored by Armes (principal House author)

Ayes: Ballenger, Barrington, Easley, Ellis, Halligan, Russell

DO PASS, As Amended:

**CS for SB 2** – Finance, coauthored by Adelson, Barrington, Burrage, Sparks of the Senate, and coauthored by Martin (Scott) (principal House author)

Ayes: Adelson, Aldridge, Crutchfield, Ford, Gumm, Ivester, Johnson (Mike), Jolley, Mazzei, Nichols, Reynolds, Rice, Sparks, Stanislawski, Wilson

**CS for SB 40** – Finance, coauthored by McAffrey (principal House author)

Ayes: Adelson, Aldridge, Crutchfield, Ford, Gumm, Ivester, Johnson (Mike), Jolley, Mazzei, Nichols, Reynolds, Rice, Sparks, Stanislawski, Wilson

**SB 269** – General Government, coauthored by Wright (John) (principal House author)

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Johnson (Mike), Nichols, Wilson

Nays: Sweeden

**SB 279** – General Government, coauthored by Billy (principal House author)

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Johnson (Mike), Nichols, Sweeden, Wilson

**CS for SB 318** – Finance, coauthored by Gumm, Aldridge, Jolley, Sparks of the Senate, and coauthored by Hickman (principal House author)

Ayes: Adelson, Aldridge, Ford, Gumm, Ivester, Johnson (Mike), Jolley, Mazzei, Reynolds, Rice, Sparks, Stanislawski, Wilson

Nays: Crutchfield

**CS for SB 441** – Energy and Environment, coauthored by Ivester of the Senate, and coauthored by McNiel (principal House author)

Ayes: Bingman, Branan, Brogdon, Coates, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Myers, Nichols, Rice, Sykes

**SB 543** – Finance, coauthored by Wright (John) (principal House author)  
Ayes: Adelson, Aldridge, Crutchfield, Ford, Gumm, Ivester, Johnson (Mike), Jolley, Mazzei, Nichols, Reynolds, Rice, Sparks, Stanislawski, Wilson

**SB 588** – General Government, coauthored by Martin (Steve) (principal House author)  
Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Johnson (Mike), Sweeden, Wilson

**SB 601** – Finance, coauthored by Kirby (principal House author)  
Ayes: Adelson, Aldridge, Crutchfield, Ford, Gumm, Ivester, Johnson (Mike), Jolley, Mazzei, Nichols, Reynolds, Rice, Sparks, Stanislawski, Wilson

**SB 622** – Judiciary, coauthored by Johnson (Constance) of the Senate, and coauthored by Cox (principal House author)  
Ayes: Anderson, Corn, Laster, Paddack  
Nays: Crain, Newberry, Sykes

**SB 815** – Judiciary, coauthored by Ivester of the Senate, and coauthored by Sherrer (principal House author)  
Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

**CS for SB 827** – Energy and Environment, coauthored by Blackwell (principal House author)  
Ayes: Bingman, Branan, Brogdon, Coates, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Myers, Nichols, Rice, Sykes

**SB 1076** – Judiciary, coauthored by Martin (Scott) (principal House author)  
Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack  
Nays: Sykes

## **SECOND READING**

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

**SB 742** – Rules  
**SB 1060** – Judiciary  
**SB 1144** – Rules  
**SB 1156** – Judiciary

Pursuant to the Lamb motion, the Senate adjourned at 10:10 a.m. to meet Monday, February 16, 2009, at 1:30 p.m.