

Senate Journal

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

Fifty-sixth Legislative Day, Thursday, May 7, 2009

The Senate was called to order by Senator Sykes.

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, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—46.

Excused: Adelson and Paddack.—2.

Senator Sykes declared a quorum present.

The prayer was offered by Father Stephen Hamilton, Saints Peter and Paul Catholic Church, Kingfisher, the guest of Senator Mike Johnson.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCRs 21 and 22 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 267, 268, 406, 517, 586, 659 and 672 and SCR 23 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 49 and 51 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORT**

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

HB 1330 - coauthored by Derby, Wright (John) and Ortega

Conference committee report was read on the above-numbered bill.

MOTION TO RECONSIDER VOTE

Senator Newberry moved to reconsider the vote whereby **SB 1013** passed, which motion was declared adopted upon roll call as follows:

Aye: Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Adelson, Aldridge, Brogdon, Coates, Coffee, Justice and Paddack.--7.

FOURTH READING

Senator Newberry moved to reconsider the vote whereby the House amendment on **SB 1013** were adopted, which motion was declared adopted.

PENDING CONSIDERATION OF HAS

HAs to **SB 1013** were rejected upon motion of Senator Newberry, conference requested, and Senate conferees to be named later.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Gumm asked unanimous consent to refer **SCR 28** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 28 by Gumm of the Senate and Buck of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 28**, which was the order.

SCR 28 was adopted upon motion of Senator Gumm and referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 257** were concurred in upon motion of Senator Corn.

SB 257, 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: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Excused: Adelson, Brogdon, Coffee, Leftwich, Paddack and Reynolds.--6.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 256** were concurred in upon motion of Senator Eason McIntyre.

SB 256, 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: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Adelson, Coates, Coffee, Nichols and Paddack.--5.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SBs 277 and 1033 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 932 were concurred in upon motion of Senator Newberry.

SB 932, 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: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Adelson, Brogdon, Coffee and Paddack.--4.

The bill and emergency passed.

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

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1048, 1059** and **1165** and **HJR 1042**.

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 1005**.

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

INTRODUCTIONS

Senator Stanislawski introduced former Senator James Williamson, and Senator Mazzei introduced former Senator Charles Ford to the Senate.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Wyrick asked unanimous consent to refer **SR 36** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 36 by Wyrick was called up for consideration.

All other members of the Senate, except Senator Russell, asked to coauthor **SR 36**, which was the order.

Senator Wyrick moved to amend **SR 36**, Page 1, Line 18 by deleting the language “2002 American” and inserting in lieu thereof the language “2005 Oklahoma” and Page 1, Line 20, by deleting the language “Hurricane Michelle” and inserting in lieu thereof the language “severe hurricane damage”, which amendment was declared adopted.

SR 36 was adopted upon motion of Senator Wyrick and referred for enrollment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Garrison asked unanimous consent to refer **SCR 20** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 20 by Garrison et al of the Senate and McPeak et al of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 20**, which was the order.

SCR 20 was adopted upon motion of Senator Garrison and referred for engrossment.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed measure:

SCR 24 - coauthored by all other House Members

The above-numbered measure was referred for enrollment.

Advising naming House conferees on Engrossed:

HB 1489 - DeWitt, Denney, Hickman, Dorman and Pruett

HJR 1014 - Osborn, Jackson, Blackwell, McDaniel (Randy), Thompson, Jones, Dorman and Kouplen

Advising passage of and transmitting for consideration Engrossed **HCRs 1026 and 1029**.

HCR 1026 – By Jones, Rousselot, Derby and Faught of the House and Coffee and Brogdon of the Senate.

A Concurrent Resolution expressing opposition to the proposed lockage fee which will disproportionately impact certain shippers; and directing distribution.

HCR 1029 – By Jones, Rousselot, Derby and Faught of the House and Coffee and Brogdon of the Senate.

A Concurrent Resolution requesting that Congress allocate sufficient funding for critical maintenance needs on the McClellan-Kerr Arkansas Navigation System; and directing distribution.

The above-numbered measures were read the first time.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Newberry asked unanimous consent to refer **SCR 25** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 25 by Newberry of the Senate and Peterson of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 25**, which was the order.

SCR 25 was adopted upon motion of Senator Newberry and referred for engrossment.

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 23**.

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

Advising fourth reading of and returning Enrolled **SBs 267, 268, 406, 517, 586, 659** and **672**.

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

Advising naming House conferees on Engrossed:

HB 1458 - Sullivan, McDaniel (Randy), Moore, McAffrey and Roan

HB 1468 - Jackson, Miller, Kirby, Shannon, Armes, Sanders, Dorman, Proctor and Buck

HB 1481 - Kern, Trebilcock, Derby, Ritze, Cox, Shumate, McAffrey and Scott

HB 1509 - Blackwell, Duncan, Jordan, Inman and Morrisette

HB 1575 - Banz, Sears, Coody, Brannon and Nations

HB 1592 - Coody, Blackwell, Shumate, Brannon, Dorman, Denney and Kern

HB 1597 - Sullivan, Duncan, Jordan, Morrisette and Lamons

HB 1603 - Sullivan, Benge, Duncan, Lamons, McCullough and McMullen

HB 1616 - Sullivan, Peters, Duncan, Kiesel and Trebilcock

HB 1647 - Rousselot, Shoemake, Luttrell, Glenn, Steele, Coody, Jones, Peterson and Armes

HB 1837 - Hamilton, Brannon, Sears, Denney and Thomsen

HB 1897 - Cox, Derby, Nations, Ritze, Shelton, Denney, Richardson, Trebilcock, Holland, Glenn and Harrison

HB 1919 - Kouplén, Bailey, Buck, Armes, Enns, DeWitt and Fields

HB 1935 - Watson, Miller, Martin (Scott), Jackson, Jones, Nations and Brannon

HB 2028 - Steele, McCullough, Peterson, Sherrer, Morrisette and Rousselot

HB 2029 - Steele, McCullough, Peters, Kiesel, Inman, Peterson and Rousselot

HB 2047 - Morgan, Tibbs, Martin (Steve), Peters and Pittman

HB 2062 - Thompson, Miller, Jackson, Denney, Morgan, Buck, Kouplén and Watson

HB 2078 - Wesselhoft, Watson, McDaniel (Randy), McPeak, Morgan and Miller

HB 2080 - Wesselhoft, Duncan, Terrill, Morrissette and Inman

HB 2149 - Armes, DeWitt, Shoemake, Rousselot, Fields, Glenn, McPeak, McNiel and Richardson

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 452 - add Sweeden

SB 810 – remove Jolley, Lamb, Sykes, Mazzei and name Bingman, Coates, Burrage, Sparks

HB 1736 – add Johnson (Constance) and Lamb

SCs NAMED

Upon motion of Senator Lamb, Senate conferees were appointed as follows:

SB 277 – Schulz, Lamb, Marlatt, Sparks

SB 281 – GCCA

SB 342 – Crain, Anderson, Lamb, Sykes, Paddack

SB 353 – Rice, Jolley, Mazzei, Lamb

SB 390 – GCCA

SB 487 – Paddack, Anderson, Sykes, Stanislawski, Lamb

SB 615 – Crain, Anderson, Jolley, Sykes, Lamb

SB 643 – GCCA

SB 646 – GCCA

SB 702 – GCCA

SB 749 – GCCA

SB 815 – Burrage, Anderson, Lamb, Crain, Sykes, Stanislawski

SB 987 – GCCA

SB 994 – Sparks, Anderson, Sykes, Lamb, Jolley, Crain

SB 1033 – GCCA

SB 1035 – Sparks, Justice, Schulz, Johnson (Mike), Marlatt, Ellis

SB 1076 – Sparks, Anderson, Sykes, Crain, Lamb

SB 1170 – GCCA

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

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

HB 1004 – Coates, Newberry, Brogdon, Myers, Leftwich
HB 1021 – Newberry, Anderson, Jolley, Sykes, Lamb, Paddack
HB 1035 – Newberry, Anderson, Sykes, Jolley, Lamb, Paddack
HB 1055 – Brown, Aldridge, Mazzei, Stanislawski, Russell, Sparks
HB 1057 – GCCA
HB 1061 – Burrage, Aldridge, Anderson, Lamb
HB 1063 – Burrage, Anderson, Crain, Jolley, Lamb
HB 1069 – Paddack, Jolley, Crain, Halligan, Newberry, Lamb
HB 1077 – GCCA
HB 1081 – Gumm, Lamb, Bingman, Mazzei
HB 1084 – GCCA
HB 1295 – GCCA
HB 1297 – GCCA
HB 1307 – Bass, Anderson, Jolley, Crain, Lamb, Coffee
HB 1322 – Sykes, Nichols, Lamb, Jolley, Bingman, Garrison
HB 1360 – GCCA
HB 1449 – Ellis, Anderson, Sykes, Stanislawski, Marlatt, Lamb
HB 1468 – GCCA
HB 1481 – Paddack, Jolley, Newberry, Lamb, Halligan, Marlatt
HB 1487 – Bingman, Branam, Myers, Brogdon, Gumm
HB 1509 – Bass, Anderson, Jolley, Crain, Stanislawski, Lamb
HB 1647 – Garrison, Ford, Jolley, Brown, Lamb
HB 1661 – GCCA
HB 1678 – Paddack, Anderson, Stanislawski, Jolley, Lamb, Sykes
HB 1717 – GCCA
HB 1736 – Ford, Jolley, Crain, Leftwich
HB 1739 – Anderson, Sykes, Jolley, Lamb, Paddack
HB 1741 – GCCA
HB 1775 – Corn, Lamb, Coffee, Sykes, Jolley
HB 1802 – GCCA
HB 1834 – GCCA
HB 1837 – GCCA
HB 1888 – GCCA
HB 1897 – Ford, Jolley, Crain, Burrage
HB 1919 – GCCA
HB 2010 – Paddack, Ford, Jolley, Branam, Halligan, Reynolds
HB 2028 – Coates, Anderson, Crain, Newberry, Paddack
HB 2029 – Coates, Anderson, Crain, Newberry, Paddack
HB 2047 – GCCA
HJR 1005 – GCCA
HJR 1014 – GCCA
HJR 1016 – GCCA
HJR 1026 – GCCA

MESSAGES FROM THE HOUSE

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

- SB 277** - Armes, McDaniel (Randy), McNiell, Trebilcock, Buck and Smithson
- SB 646** - Benge, Miller, Martin (Scott), Steele, Morgan and Dorman
- SB 723** - Sears, DeWitt, Sanders, Wright (Harold), Ownbey, Cannaday and Hickman
- SB 749** - Cooksey, Banz, Coody, Kern, Denney, Morrissette, Hamilton and Hilliard
- SB 1013** - Sullivan, McDaniel (Randy), Liebmann, Carey and Lamons
- SB 1152** - Terrill, McCullough, Christian, Miller, Roan, Smithson, Martin (Scott) and Carey
- SB 1166** - Terrill, Joyner, Hickman, Liebmann, Martin (Scott), Martin (Steve) and Roan

Advising naming House conferees on Engrossed:

- HB 1030** - Wright (John), Duncan, Jordan, Nelson, Inman and Lamons

EXECUTIVE NOMINATIONS

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

- Barrick, Lona A., Ada, as a member of the Oklahoma Arts Council - Education
- Jones, Will K., Edmond, as a member of the Oklahoma Arts Council - Education
- Ward, Tammy, Elmore City, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, May 11, 2009, at 10:00 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

- SCR 29** – By Justice of the Senate and DeWitt and Armes of the House.
A Concurrent Resolution requesting the Oklahoma Department of Agriculture, Food, and Forestry to name their complex the "Clem Rogers McSpadden Agricultural Complex"; and directing distribution.

SR 52 – By Gumm.

A Resolution congratulating Southeastern Oklahoma State University upon their Centennial; encouraging second century of building futures; and directing distribution.

SR 53 – By Johnson (Constance), Easley, Eason McIntyre, Leftwich and Paddack.

A Resolution proclaiming the month of May as Lupus Awareness Month in the State of Oklahoma; urging citizens to join in supporting programs of research, education and community service; and directing distribution.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 300 – conferees unable to agree

SB 394

SB 432

SB 546

SB 1115

SB 1168

SB 300 will revert to the status occupied before being sent to conference and will remain on the calendar under "House Amendments to Senate Bills".

Pursuant to the Lamb motion, the Senate adjourned at 11:00 a.m. to meet Monday, May 11, 2009, at 10:00 a.m.