

Senate Journal

First Regular Session of the Fifty-second Legislature of the State of Oklahoma Fifty-ninth Legislative Day, Wednesday, May 13, 2009

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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—48.

Senator Jolley declared a quorum present.

The prayer was offered by Reverend Bobbie Jean Merck, A Great Love, Inc., Toccoa, GA, the guest of Senator Coffee.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 31 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 789 and 1153 and SCRs 25 and 28 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGES FROM THE GOVERNOR

Advising his approval May 12, 2009, of Enrolled **SBs 299, 301, 503, 592, 700, 783, 798, 803, 920 and 1062** and **SJR 11**.

Advising his veto May 12, 2009, of Enrolled **SB 934**.

The veto message reads as follows:

May 12, 2009

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

ENROLLED SB 934

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 934. While open access to anti-psychotic medications is extremely important, this legislation potentially undermines the ability of Oklahoma Health Care Authority administrators to manage the Medicaid program and hold down pharmaceutical costs in the event the science of administering these medications changes in the future. Currently, OHCA allows open access to anti-psychotic medications, drugs which save lives and promote recovery for people living with severe mental illness. Open access to these medications represents the best current clinical practice, and OHCA has given its assurance that it will not change the current operating practice without consultation with and agreement of the Department of Mental Health and Substance Abuse Services.

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

MESSAGE FROM THE HOUSE

Advising conferees unable to agree on the following:

HJR 1035

Senator Sykes presiding.

PENDING CONSIDERATION OF HAS

HAs to SB 610 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees appointed as follows: GCCA.

PENDING CONSIDERATION OF CCRs

The following **CCR**s were rejected upon motion of Senator Lamb, further conference requested, and Senate conferees appointed as follows:

SB 1152 - GCCA
SB 1185 – GCCA

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 658** was adopted upon motion of Senator Aldridge.

SB 658, 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, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden and Sykes.--38.

Nay: Johnson (C).--1.

Excused: Coates, Coffee, Corn, Johnson (M), Jolley, Myers, Rice, Wilson and Wyrick.--9.

The bill and emergency passed.

SB 658, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 613** was called up for consideration.

Senator Anderson asked that **SB 613** be laid over temporarily, which was the order.

SB 613 remains on pending consideration of CCR.

PENDING CONSIDERATION OF HAS

HAs to **SB 388** were concurred in upon motion of Senator Burrage.

SB 388, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--42.

Excused: Coates, Coffee, Johnson (M), Jolley, Mazzei and Wyrick.--6.

The bill passed.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 757** was adopted upon motion of Senator Burrage.

Senator Adelson asked to coauthor **SB 757**, which was the order.

SB 757, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--43.

Excused: Coates, Coffee, Johnson (M), Mazzei and Wyrick.--5.

The bill passed.

SB 757, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 726** was called up for consideration.

Representative Pittman asked to coauthor **SB 726**, which was the order.

Senator Barrington asked that **SB 726** be laid over temporarily, which was the order.

SB 726 remains on pending consideration of CCR.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 269** was adopted upon motion of Senator Crain.

SB 269, 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, 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, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--45.

Excused: Coates, Rice and Wyrick.--3.

The bill and emergency passed.

SB 269, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

NOTICE OF ELECTRONIC AVAILABILITY SENATE RULE 5-6

Senator Lamb notified the members of the Senate that, pursuant to the provisions of paragraph 2 of subsection B of Senate Rule 5-6, copies of the floor/conference committee substitutes for **HB 1603** have been made available electronically, via e-mail to all Senators and Executive Assistants.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 346** was adopted upon motion of Senator Crain.

Senators Johnson (Constance) and Garrison asked to coauthor **SB 346**, which was the order.

SB 346, as amended in conference, was read at length.

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

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

Nay: Aldridge.--1.

Excused: Coates, Coffee, Johnson (M), Rice and Wyrick.--5.

The bill passed.

SB 346, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 597** was adopted upon motion of Senator Gumm.

Senators Garrison and Johnson (Constance) asked to coauthor **SB 597**, which was the order.

SB 597, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--43.

Excused: Coates, Coffee, Johnson (M), Rice and Wyrick.--5.

The bill passed.

SB 597, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 987** was adopted upon motion of Senator Crutchfield.

SB 987, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--43.

Excused: Coates, Coffee, Johnson (M), Rice and Wyrick.--5.

The bill passed.

SB 987, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 938** was adopted upon motion of Senator Mazzei.

SB 938, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--42.

Excused: Brogdon, Coates, Coffee, Johnson (M), Rice and Wyrick.--6.

The bill passed.

SB 938, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

Senator Jolley presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 521** was adopted upon motion of Senator Halligan.

Senator Sweeden asked to coauthor **SB 521**, which was the order.

SB 521, as amended in conference, was read at length.

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

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

Nay: Sykes.--1.

Excused: Adelson, Brogdon, Coates, Coffee, Johnson (M) and Wyrick.--6.

The bill passed.

SB 521, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 490** was adopted upon motion of Senator Crain.

SB 490, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--42.

Excused: Brogdon, Coates, Coffee, Johnson (M), Mazzei and Wyrick.--6.

The bill passed.

SB 490, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 827** was adopted upon motion of Senator Schulz.

Senator Marlatt asked to coauthor **SB 827**, which was the order.

SB 827, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--42.

Excused: Brogdon, Coates, Coffee, Johnson (M), Mazzei and Wyrick.--6.

The bill and emergency passed.

SB 827, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1075** was adopted upon motion of Senator Crain.

Representative Pittman asked to coauthor **SB 1075**, which was the order.

SB 1075, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--42.

Excused: Coates, Coffee, Johnson (M), Mazzei, Reynolds and Wyrick.--6.

The bill passed.

SB 1075, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 828** was adopted upon motion of Senator Marlatt.

Senators Schulz and Ivester asked to coauthor **SB 828**, which was the order.

SB 828, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--42.

Excused: Coates, Coffee, Johnson (M), Mazzei, Reynolds and Wyrick.--6.

The bill passed.

SB 828, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 458** was adopted upon motion of Senator Branan.

Senators Stanislawski and Russell and Representative Reynolds asked to coauthor **SB 458**, which was the order.

SB 458, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--43.

Excused: Coates, Coffee, Johnson (M), Mazzei and Wyrick.--5.

The bill passed.

SB 458, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1294** and **1460**.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SJR 34** was adopted upon motion of Senator Marlatt.

Senator Jolley asked to coauthor **SJR 34**, which was the order.

SJR 34, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski and Sykes.--40.

Nay: Sweeden and Wilson.--2.

Excused: Brogdon, Coates, Coffee, Johnson (M), Mazzei and Wyrick.--6.

The resolution passed.

SJR 34, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

SJR 34 was printed at length as follows:

SJR 34 – By Marlatt of the Senate and Armes of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 7 of Article XI of the Oklahoma Constitution; increasing the maximum length of agricultural leases of school land by Commissioners of the Land Office; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 7 of Article XI of the Oklahoma Constitution to read as follows:

Section 7. The Commissioners of the Land Office are authorized to grant commercial leases and agricultural leases in trust property.

Commercial leases shall not exceed fifty-five (55) years. The granting of any commercial lease in excess of three (3) years shall be by public bidding at not less than fair market value. All commercial leases shall provide for fair market value throughout the term of the lease.

Agricultural leases of trust property shall be limited to a maximum of ~~five (5)~~ seven (7) years and shall be by public bidding at not less than fair market value.

The granting of any interest in trust property at less than fair market value or not in compliance with this section is void.

Any permanent improvement made on commercial trust property from and after the passage of this amendment shall revert to the trust at the end of the lease.

The Legislature shall enact the laws necessary to implement the provisions of this section and to foster the fair and equitable administration of trust property.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____

State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends Section 7 of Article 11 of the State Constitution. Presently, the Commissioners of the Land Office lease school land trust property. Leases for agricultural purposes are limited to a maximum of five (5) years. This measure would allow such leases for terms of up to seven (7) years.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Marlatt asked unanimous consent to refer **HCR 1008** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1008 by Blackwell of the House and Marlatt of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1008**, which was the order.

HCR 1008 was adopted upon motion of Senator Marlatt and properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 551** was adopted upon motion of Senator Myers.

Senator Jolley asked to coauthor **SB 551**, which was the order.

SB 551, 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, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--41.

Nay: Johnson (C).--1.

Excused: Coates, Coffee, Corn, Johnson (M), Mazzei and Wyrick.--6.

The bill passed.

SB 551, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1123** was adopted upon motion of Senator Sykes.

Senator Russell and Representative Cox asked to coauthor **SB 1123**, which was the order.

SB 1123, 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, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--41.

Nay: Eason McIntyre and Johnson (C).--2.

Excused: Coates, Coffee, Johnson (M), Mazzei and Wyrick.--5.

The bill passed.

SB 1123, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1029** was adopted upon motion of Senator Russell.

Senator Jolley and Representatives Kern and Rousselot asked to coauthor **SB 1029**, which was the order.

SB 1029, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--44.

Excused: Coates, Coffee, Johnson (M) and Wyrick.--4.

The bill and emergency passed.

SB 1029, 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 refer **HCR 1030** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1030 by Martin (Scott) et al of the House and Sparks of the Senate was called up for consideration.

Senators Johnson (Constance) and Myers asked to coauthor **HCR 1030**, which was the order.

HCR 1030 was adopted upon motion of Senator Sparks and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Bingman asked unanimous consent to refer **HCR 1019** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1019 by Benge of the House and Bingman of the Senate was called up for consideration.

Senators Branan and Garrison asked to coauthor **HCR 1019**, which was the order.

HCR 1019 was adopted upon motion of Senator Bingman and properly signed and ordered returned 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 1004

HB 1021 - coauthored by Duncan, McDaniel (Randy), Sanders and Sullivan

HB 1035

HB 1069

HB 1389 - coauthored by Faught

HB 1739

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

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

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The Senate reconvened with Senator Sykes presiding.

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

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCRs 25** and **28**.

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

Advising fourth reading of and returning Enrolled **SBs 789** and **1153**.

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

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

SB 610 - Watson, Martin (Scott), Peters, Thompson, Sanders, Jordan, Morgan, Scott, Kouplén and Rousselot

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

HB 1736 - Peters, Tibbs, Schwartz, McDaniel (Jeannie), Lamons, Peterson and Rousselot

HB 2013 - Wright (John), Miller, Terrill, Liebmann, Morgan and Carey

Advising passage of and transmitting for consideration Engrossed **HCRs 1035, 1036** and **1039**.

HCR 1035 – By Thompson, Martin (Steve), Moore, Reynolds, Liebmann, McDaniel (Randy), Sanders, Duncan, Tibbs and Kern of the House and Bingman of the Senate.

A Concurrent Resolution opposing the implementation of a cap-and-trade system on greenhouse gas emissions; and directing distribution.

HCR 1036 – By Thompson, Martin (Steve), Liebmann, McDaniel (Randy), Tibbs and Dorman of the House and Bingman of the Senate.

A Concurrent Resolution urging the United States Congress to not reduce or repeal and to maintain federal tax incentives for the exploration and production of domestic oil and natural gas; and directing distribution.

HCR 1039 – By Scott of the House and Eason McIntyre of the Senate.

A Concurrent Resolution recognizing the importance of the post office system; expressing support for the enactment of the Access to Postal Services Act; and directing distribution.

The above-numbered measures were 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 1647

HB 1698

HB 1742

HB 1759

HB 1775

HB 1897

HB 2029

HB 2154 - coauthored by Dorman

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1181** was adopted upon motion of Senator Jolley.

SB 1181, 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, 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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--44.

Excused: Coates, Coffee, Corn and Wyrick.--4.

The bill passed.

SB 1181, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1231** was adopted upon motion of Senator Jolley.

SB 1231, 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, 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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sykes and Wilson.--44.

Excused: Coates, Coffee, Sweeden and Wyrick.--4.

The bill and emergency passed.

SB 1231, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SB 1102** were concurred in upon motion of Senator Nichols.

Senators Gumm and Jolley and Representative Cox asked to coauthor **SB 1102**, which was the order.

SB 1102, 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, Burrage, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Marlatt, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski and Sweeden.--37.

Nay: Brogdon, Brown, Johnson (C), Lerblance, Newberry, Russell, Sykes and Wilson.-8.

Excused: Coates, Coffee and Wyrick.--3.

The bill and emergency passed.

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

Senator Jolley presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1760** was adopted upon motion of Senator Crain.

HB 1760, 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, 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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--45.

Excused: Coates, Coffee and Wyrick.--3.

The bill passed.

HB 1760, together with the conference committee report thereon, was ordered returned to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Stanislawski moved to reconsider the vote whereby **SB 394** passed.

Senator Lamb moved to table the Stanislawski motion, which tabling motion was declared adopted.

SB 394, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 611** was adopted upon motion of Senator Anderson.

SB 611, 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, 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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--46.

Excused: Coates and Wyrick.--2.

The bill passed.

SB 611, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SB 225** were concurred in upon motion of Senator Johnson (Mike).

SB 225, 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, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--43.

Nay: Brogdon, Easley and Johnson (C).--3.

Excused: Coates and Wyrick.--2.

The bill and emergency passed.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 810** was adopted upon motion of Senator Nichols.

SB 810, as amended in conference, 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, 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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden and Sykes.--44.

Nay: Adelson and Wilson.--2.

Excused: Coates and Wyrick.--2.

The bill and emergency passed.

SB 810, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

INTRODUCTIONS

Senator Mazzei introduced his wife, Noel, and Senator Mike Johnson introduced his wife, Judy, to the Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 726** was rejected upon motion of Senator Lamb, further conference requested, and Senate conferees appointed as follows: GCCA.

Senator Lamb moved that the Senate recess to the call of the Chair, which motion was declared adopted.

*

The Senate reconvened with Senator Bingman presiding.

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

MESSAGES FROM THE HOUSE

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

SB 1118 - GCCA

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

SB 1152 - Terrill, McCullough, Christian, Miller, Roan, Smithson, Martin (Scott) and Carey

SB 1185 - Christian, Ortega, Tibbs, Osborn, Dorman and Proctor

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 613** was rejected upon motion of Senator Lamb, further conference requested, and same Senate conferees appointed as follows: Anderson, Sykes, Lamb, Jolley, Crain, Paddack.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 353** was rejected upon motion of Senator Lamb, further conference requested, and Senate conferees appointed as follows: GCCA.

PENDING CONSIDERATION OF HAS

HAs to **SB 721** were concurred in upon motion of Senator Barrington.

Senator Russell asked to coauthor **SB 721**, which was the order.

SB 721, 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--44.

Excused: Coates, Laster, Mazzei and Wyrick.--4.

The bill passed.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 794** was adopted upon motion of Senator Jolley.

Senator Russell asked to coauthor **SB 794**, which was the order.

SB 794, 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--44.

Excused: Coates, Laster, Mazzei and Wyrick.--4.

The bill passed.

SB 794, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

Senator Jolley presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1003** was adopted upon motion of Senator Brown.

Senator Branan asked to coauthor **HB 1003**, which was the order.

HB 1003, 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--43.

Excused: Coates, Laster, Mazzei, Schulz and Wyrick.--5.

The bill passed.

HB 1003, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 888** was adopted upon motion of Senator Bingman.

SB 888, as amended in conference, was read at length.

Senator Bingman asked that **SB 888** be laid over for this legislative day, which was the order.

SB 888 remains on Fourth Reading.

PENDING CONSIDERATION OF CCRs

The **CCR**s on **SBs 665 and 1073** were rejected upon motion of Senator Lamb, further conference requested, and Senate conferees to be named later.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Garrison asked unanimous consent to refer **HCR 1014** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1014 by Rousselot et al of the House and Garrison of the Senate was called up for consideration.

Senator Johnson (Constance) and Russell and all other member of the Senate asked to coauthor **HCR 1014**, which was the order.

HCR 1014 was adopted upon motion of Senator Garrison and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Brogdon asked unanimous consent to refer **HCRs 1026, 1028, 1029 and 1032** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1026 by Jones et al of the House and Coffee and Brogdon of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1026**, which was the order.

HCR 1026 was adopted upon motion of Senator Brogdon and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HCR 1028 by Key et al of the House and Brogdon of the Senate was called up for consideration.

Senator Russell asked to coauthor **HCR 1028**, which was the order.

HCR 1028 was adopted upon motion of Senator Brogdon and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HCR 1029 by Jones et al of the House and Coffee and Brogdon of the Senate was called up for consideration.

HCR 1029 was adopted upon motion of Senator Brogdon and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HCR 1032 by Enns et al of the House and Brogdon of the Senate was called up for consideration.

Senator Russell asked to coauthor **HCR 1032**, which was the order.

HCR 1032 was adopted upon motion of Senator Brogdon and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Newberry asked unanimous consent to refer **SR 38** and **HCR 1033** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1033 by Kern et al of the House and Newberry of the Senate was called up for consideration.

HCR 1033 was adopted upon motion of Senator Newberry and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

SR 38 by Newberry was called up for consideration.

SR 38 was adopted upon motion of Senator Newberry and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Rice asked unanimous consent to refer **HCR 1037** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1037 by Cox of the House and Rice of the Senate was called up for consideration.

HCR 1037 was adopted upon motion of Senator Rice and properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising changing conferees by dismissing House conferees on **HB 1755** and naming GCCA.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 277** was adopted upon motion of Senator Schulz.

Senator Gumm asked to coauthor **SB 277**, which was the order.

SB 277, 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--48.

The bill and emergency passed.

SB 277, 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 1081 - coauthored by Roan

HB 1307

HB 1481 - coauthored by Ritze, Sherrer and Tibbs

HB 1509 - coauthored by Osborn, Reynolds and Tibbs

HB 1595 - coauthored by Coody, Duncan, Tibbs, McCullough and Joyner

HB 1678 - coauthored by Walker

HB 1935 - coauthored by Tibbs

HB 2028

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

MESSAGES FROM THE HOUSE

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

SB 353 - Cox, Steele, Peters, Sullivan, Lamons, McDaniel (Jeannie), Ritze and Shumate

SB 613 - Duncan, Cooksey, Jordan, Lamons, Smithson and Terrill

SB 726 - Armes, Jones, DeWitt, Dorman, Rousselot, Carey, Miller, Jackson and Martin (Scott)

Advising conferees unable to agree on the following:

HB 1802

EXECUTIVE NOMINATIONS

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

Dorris, Jeff, Oklahoma City, as a member of the Board of Dentistry - Health and Human Services

Foust, Verna, Yukon, as a member of the Forensic Review Board - Public Safety and Homeland Security

Hooper, Rhonda, Edmond, as a member of the Oklahoma Science and Technology Research and Development Board - Energy and Environment

Miller, Kenneth, M.D., McAlester, as a member of the State Board of Health - Health and Human Services

Thomas, Cliff, Norman, as a member of the Forensic Review Board - Public Safety and Homeland Security

**NOTICE OF ELECTRONIC AVAILABILITY
SENATE RULE 5-6**

Senator Lamb notified the members of the Senate that, pursuant to the provisions of paragraph 2 of subsection B of Senate Rule 5-6, copies of the floor/conference committee substitutes for **SBs 833, 909 and 1066** and **HBs 1004, 1095, 1775 and 1949** have been made available electronically, via e-mail to all Senators and Executive Assistants.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 14, 2009, at 10:00 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SR 54 – By Gumm.

A Resolution acknowledging the contributions of Leon Sherrer; honoring his contributions; and directing distribution.

SR 55 – By Bingman.

A Resolution praising the life and career of the late Senator John Young; mourning his loss; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval May 13, 2009, of Enrolled **SBs 267, 268, 406, 517, 659 and 672**.

Advising his veto May 13, 2009, of Enrolled **SB 586**.

The veto message reads as follows:

May 13, 2009

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

ENROLLED SB 586

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 586. Oklahoma tribal governments already have the authority to create and operate their own schools. SB 586 is duplicative of the current law and unnecessary.

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

Pursuant to the Lamb motion, the Senate adjourned at 4:15 p.m. to meet Thursday, May 14, 2009, at 10:00 a.m.