

Senate Journal

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

Forty-ninth Legislative Day, Wednesday, April 28, 2010

The Senate was called to order by Senator Aldridge.

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 Aldridge declared a quorum present.

The prayer was offered by Reverend Connie J. Gibson, Southern Hills United Methodist Church, Oklahoma City, the guest of Senator Leftwich.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 1329 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAS

HAs to SB 1819 were concurred in upon motion of Senator Crain.

SB 1819, 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, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ellis, Ford, Johnson (C), Jolley, Justice, Lamb, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--27.

Excused: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Halligan, Ivester, Johnson (M), Laster, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to SB 2211 were concurred in upon motion of Senator Jolley.

SB 2211, 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, Branan, Brogdon, Brown, Coates, Crain, Ellis, Ford, Halligan, Johnson (C), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Excused: Adelson, Ballenger, Bass, Burrage, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (M), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--22.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to SB 2073 were concurred in upon motion of Senator Stanislawski.

SB 2073, as amended by the Honorable House, was read at length.

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

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

Excused: Coffee, Easley, Johnson (C), Johnson (M), Leftwich, Paddack, Sweeden and Wilson.--8.

The bill passed.

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

SCs NAMED

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

- SB 1070** – GCCA
- SB 1373** – GCCA
- SB 1599** – GCCA
- SB 1600** – GCCA
- SB 1816** – GCCA
- SB 1818** – GCCA
- SB 1836** – GCCA
- SB 1858** – GCCA
- SB 1901** – GCCA
- SB 2127** – GCCA

PENDING CONSIDERATION OF HAs

HAs to **SB 1817** were concurred in upon motion of Senator Crain.

SB 1817, as amended by the Honorable House, was read at length.

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

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

Excused: Coffee, Johnson (M), Leftwich, Sweeden and Wilson.--5.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1985 were concurred in upon motion of Senator Crain.

SB 1985, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, 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, Wilson and Wyrick.--47.

Excused: Johnson (M).--1.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SBs 1762, 1908, 1973, 1989, 2046 and 2301 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

**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 1043 – GCCA

HB 1613 – Aldridge, Brown, Stanislawski, Russell, Jolley, Ballenger

HB 1658 – Barrington, Coffee, Anderson, Jolley, Laster

HB 2004 – GCCA

HB 2274 – GCCA

HB 2310 – GCCA

HB 2320 – Coates, Brogdon, Aldridge, Reynolds, Russell

HB 2331 – GCCA

HB 2567 – GCCA

HB 2629 – GCCA

HB 2641 – GCCA

HB 2650 – Sykes, Coffee, Lamb, Coates
HB 2686 – GCCA
HB 2698 – GCCA
HB 2703 – GCCA
HB 2710 – GCCA
HB 2720 – GCCA
HB 2777 – GCCA
HB 2844 – Branan, Marlatt, Bingman, Myers, Burrage
HB 2850 – Barrington, Schulz, Justice, Marlatt, Ellis
HB 2927 – GCCA
HB 2935 – GCCA
HB 2971 – GCCA
HB 2983 – GCCA
HB 2998 – GCCA
HB 3052 – GCCA
HB 3061 – GCCA
HB 3078 – GCCA
HB 3123 – GCCA
HB 3258 – GCCA
HB 3291 – GCCA
HB 3338 – GCCA
HB 3379 – GCCA
HB 3380 – GCCA
HB 3381 – GCCA
HB 3382 – GCCA
HB 3385 – GCCA
HB 3393 – GCCA
HB 3397 – GCCA
HB 3422 – GCCA
HJR 1084 – GCCA

PENDING CONSIDERATION OF HAS

HAs to **SB 2154** were concurred in upon motion of Senator Crain.

SB 2154, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, 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, Wilson and Wyrick.--47.

Excused: Johnson (M).--1.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 2270 were concurred in upon motion of Senator Crain.

SB 2270, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, 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, Wilson and Wyrick.--46.

Excused: Coffee and Johnson (M).--2.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 441 were concurred in upon motion of Senator Bingman.

SB 441, 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, Brogdon, Brown, Burrage, Coates, 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, Wilson and Wyrick.--46.

Excused: Coffee and Johnson (M).--2.

The bill and emergency passed.

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Marlatt asked unanimous consent to refer **SCR 55** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 55 by Marlatt of the Senate was called up for consideration.

Representative Sanders asked to be named principal House author on **SCR 55**, which was the order.

SCR 55 was adopted upon motion of Senator Marlatt and referred for engrossment.

UNANIMOUS CONSENT REQUEST

Pursuant to Senate Rule 12-21E, Senator Lamb asked unanimous consent, which was granted, to rescind the rejection of the HAs, conference requested and conferees to be named later motion on **SBs 573** and **1012**.

PENDING CONSIDERATION OF HAs

HAs to **SB 1927** were concurred in upon motion of Senator Newberry.

SB 1927, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, 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, Wilson and Wyrick.--45.

Excused: Coffee, Johnson (M) and Sykes.--3.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SBs 1756, 1761, 1862, 1916, 2033, 2052, 2083, 2088, 2180, 2203, 2213, 2259, 2318 and SJRs 61 and 66 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 1631 were concurred in upon motion of Senator Mazzei.

SB 1631, 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, 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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Nay: Brogdon.--1.

Excused: Coffee.--1.

The bill and emergency passed.

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

Senator Lamb moved that the Senate recess until 1:00 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Aldridge presiding.

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

PENDING CONSIDERATION OF HAs

HAs to SB 1941 were concurred in upon motion of Senator Marlatt.

SB 1941, 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, Barrington, Bass, Branan, Brogdon, Brown, Burrage, Corn, 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, Wilson and Wyrick.--41.

Excused: Ballenger, Bingman, Coates, Coffee, Johnson (C), Johnson (M) and Mazzei.-7.

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 2212 were concurred in upon motion of Senator Ford.

SB 2212, 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, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Stanislawski and Sykes.--29.

Nay: Bass, Burrage, Corn, Crutchfield, Easley, Ellis, Garrison, Gumm, Ivester, Laster, Lerblance, Sparks, Sweeden, Wilson and Wyrick.--15.

Excused: Ballenger, Coffee, Eason McIntyre and Johnson (C).--4.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to SBs 1337, 1379, 1838, 1840, 2018, 2041, 2199 and 2303 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

HAs to SBs 1405 through 1441, 1443, 1444, 1447 through 1584 and 1586 through 1588 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees appointed as follows: GCCA.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 2556**.

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

Advising conference granted and naming House conferees on Engrossed:

SB 1321 - Terrill, Miller, Hickman, Christian, Dorman, and Brannon

SB 1396 - Hickman, Pruett, Denney, McDaniel (Randy), and Brannon

SB 1397 - Hickman, McPeak, Watson, Dank, and Brannon

SB 1914 - Hickman, Brannon, Watson, Sears, Russ, and Pruett

SB 2007 - Nelson, Tibbs, Christian, Roan, and Smithson

SB 2130 - Armes, Jones, Blackwell, Joyner, Billy, Morgan, Proctor, Rousselot, and Miller

SB 2253 - Armes, Jones, Terrill, Shelton, and Roan

SB 2258 - Terrill, Duncan, McCullough, Christian, Proctor, and Hamilton

Advising the naming of same House conferees on Engrossed:

SB 828 - Blackwell, Thompson, Watson, Morgan, Walker, Johnson, Brannon, and Kirby

Advising the naming of House conferees to Engrossed:

HB 2171 - McCullough, Duncan, Sullivan, Sherrer, and Rousselot

HB 2596 - Morrissette, Trebilcock, Derby, Nelson, Ownbey, Tibbs, Joyner, Billy, Wright (Harold), Inman, Hamilton, Scott, Pittman, Cannaday, and McDaniel (Jeannie)

HB 2777 - Steele, Morrissette, Morgan, Cox, and Sears

HB 2888 - Moore, Martin (Scott), Murphey, Osborn, Pittman, Scott, and Shannon

HB 3061 - DeWitt, Walker, Roan, Shoemake, Fields, Ortega, and Schwartz

HB 3422 - Miller, Murphey, McDaniel (Randy), Carey, and Dorman

HJR 1084 - Miller, Liebmann, Watson, Scott, and Morgan

Advising fourth reading of and returning Enrolled **SB 1329**.

The above-numbered enrolled measure was referred to the Governor.

Advising concurrence in **SAs** to and passage of Engrossed **HB 2541**.

EXECUTIVE NOMINATIONS

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

Lee, James Parks, DVM, Oklahoma City, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Mann, Patsy Sue, Checotah, as a member of the State Textbook Committee - Education

McNutt, Crail Denton, Stuart, as a member of the Board of Regents of Eastern Oklahoma State College - Education

Pettit, Alex Z., Oklahoma City, as Cabinet Secretary of Information Technology and Telecommunications – Finance

Upham, Steadman, Tulsa, as a member of the Oklahoma Science and Technology Research and Development Board - Energy and Environment

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 29, 2010, at 9:30 a.m., which motion prevailed.

Pursuant to the Lamb motion, the Senate adjourned at 1:45 p.m. to meet Thursday, April 29, 2010, at 9:30 a.m.